



Collaborative Court-County Working Group on Enhanced Collections Report



ADMINISTRATIVE OFFICE
OF THE COURTS

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102

Report

TO: Members of the Judicial Council

FROM: Collaborative Court-County Working Group on Enhanced Collections
Sheila Gonzalez, Chair
Jessica B. Lee, Manager, SRO, 818-558-3068

DATE: August 5, 2004

SUBJECT: Reports of the Collaborative Court-County Working Group on Enhanced Collections' Subcommittees (Action Required)

Issue Statement

Senate Bill 940 (Escutia; Stats. 2003, ch. 275) is Judicial Council–sponsored legislation that requires the council to (among other things) adopt guidelines for a comprehensive program for the collection of fees, fines, forfeitures, penalties, and assessments imposed by the courts. SB 940 also requires the Judicial Council to establish a working group to evaluate and make recommendations concerning current and future collection methods.

The council established the Collaborative Court-County Working Group on Enhanced Collections in late 2003. At its first meeting the working group divided into eight committees, which have since studied the issues and developed some initial recommendations.

Recommendation

The Collaborative Court-County Working Group on Enhanced Collections recommends that the Judicial Council:

1. *Legislation (Tab A)*
 - a. Sponsor legislation that will allow courts (in addition to counties) to charge a fee for setting up installment payments when a person is not paying his or her full fine or fee at one time, and will increase the fee for installment payments from \$35 or less to \$50 (page 2); and
 - b. Direct staff to review the feasibility of charging interest on delinquent fees and fines (page 2).

2. *Guidelines and Standards (Tab B)*
 - a) Adopt the standards and guidelines and approve the definition of delinquent accounts/payments, for use by court and counties as a road map in the development or enhancement of a collection program (Tab B, exhibit A)
 - b) Direct the trial courts, in collaboration with their counties, to establish countywide enhanced collection and compliance coordination committees (page 9);
 - c) Direct the trial courts, in collaboration with their counties, to enter into written memoranda of understanding (MOUs) (page 9);
 - d) Decline to make an amnesty program part of the comprehensive collections program (page 9); and
 - e) Adopt the standards for discharge of accountability and require the courts to comply with Government Code section 25258 when discharging court-ordered debt (page 9).
3. *Operations/Fee Waivers (Tab C)*

Establish a task force, under the direction of the Collaborative Court-County Working Group on Enhanced Collections, to develop standards and guidelines to assist judicial officers and staff in the approval or denial of fee waivers (page 9).
4. *Reporting (Tab D)*
 - a. Direct each trial court that has a collections program in collaboration with its county to report to the council on December 1, 2004, its beginning balance for fiscal year 2004–2005 (as of July 1, 2004) (page 2).
 - b. In addition to legislatively mandated requirements that courts and counties submit year-end reports, direct the trial courts, in collaboration with their counties, to submit midyear reports on the first weekday in March of each year (the first midyear report, for fiscal year 2004–2005, will be due on March 1, 2005; legislatively mandated year-end reports should be submitted by the first weekday in October, and the fiscal year 2004–2005 year-end report will be due on October 3, 2005) (page 3); and
 - c. Approve the proposed report template and direct that all reports be submitted on the Judicial Council–approved template (tab D, exhibit A).
5. Reappoint the chair and current members to the Collaborative Court-County Working Group on Enhanced Collections for a term to run through October 2005, and direct the working group to continue with SB 940 implementation and to work with courts and counties to establish or enhance their collections programs (tabs A–H).

Rationale for Recommendations

With the approval of SB 940, the Legislature recognized that enhanced collections programs have the potential to significantly increase revenues to the state, the trial courts, and local government entities as well as strengthen the enforcement of court orders.

Allowing court-ordered fines and penalties to be ignored diminishes the public's respect for the rule of law. A comprehensive statewide system of collections will promote increased respect for our justice system by ensuring that court orders are enforced.

The subcommittees' reports set out guidelines and standards for use by courts and counties in creating or enhancing their collections programs and introduce a mechanism for the council's requisite reports to the Legislature. Individual recommendations and rationales are discussed in the subcommittee reports that follow.

The working group's subcommittees have been charged with several ongoing programs and projects that should continue. Extending the Court-County Working Group on Enhanced Collections for one year will allow the members to continue their work on enhanced collections programs with courts and counties.

Alternative Actions Considered

The task force members explored numerous alternatives, considered all the options, and—on the basis of the subcommittees' expertise and effective practices—developed the recommendations that are before the Judicial Council.

Comments From Interested Parties

After approving the subcommittees' recommendations, the Collaborative Court-County Working Group on Enhanced Collections authorized their circulation for a 30-day public comment period. *The Collaborative Court-County Working Group on Enhanced Collections Report* was circulated to all presiding judges, court executive officers, all chairs of the board of supervisors, all county administrative officers, all county auditor controllers, and other interested parties from June 18 to July 18, 2004. A large number of comments were received. In response, the working group further revised many of the recommended proposals, particularly those related to the reporting recommendations.

While numerous comments expressed strong approval for the proposed collections guidelines, others raised concerns. Following is a tabulation of the general natures of comments as they pertained to each committee.

Subcommittee	Agree	Agree if modified	Do not agree
Education	5	3	None
General comments	4	4	None
Guidelines and Standards	6	12	1
Legislation	4	9	2
Operations	9	8	None
Operations/Fee Waivers	4	9	None
Reporting	6	22	6
Request for Proposals	None	None	1
Standard Fine Schedule	4	7	1

As indicated, the initial recommendations of the Reporting Subcommittee and the Guidelines and Standards Subcommittee were the subjects of 46 percent of the requests for modification and 64 percent of the opposition from commenters. In response, these two subcommittees modified their recommendations to require fewer reporting categories from courts and counties and reduced the recommended frequency of reporting from quarterly to semiannually. Additional comments and the working group's responses are discussed in the attached comment chart.

Implementation Requirements and Costs

Implementation costs would vary by court and/or county and would depend on the collections method used. Enhanced collections programs might have one-time start-up costs and ongoing costs for which courts and counties would be reimbursed from funds collected pursuant to Penal Code section 1463.007.

Attachments

Collaborative Court-County Working Group on Enhanced Collections Report

WORKING GROUP MEMBERS



ADMINISTRATIVE OFFICE
OF THE COURTS

Court –County Working Group on Enhanced Collections

Sheila Gonzalez, Chair
Hon. William Pangman
Hon. David Sotelo
Mr. Curt Coad
Mr. Doug Estes
Ms. Marcia Faulkner
Ms. Cynthia Florez-De Lyon
Ms. Tina Hansen
Ms. Mary Lawrence
Ms. Sandi Menefee
Ms. Susan Null
Ms. Jody Patel
Mr. Fred Plane
Mr. Michael Planet
Mr. David Shaw
Ms. Linn Smith
Mr. Larry Spikes
Ms. Kiri Torre
Mr. Chuck Wagner

In Memoriam
Ms. Joy Walton

Committee Liaisons
California State Association of Counties
Mr. Ruben Lopez
Ms. Elizabeth Howard

California State Controller
Mr. Robert Stonehouse

Advisory Members
Hon. Douglas P. Miller
Ms. Inga McElyea

Collaborative Court-County Working Group on Enhanced Collections Report

SUBCOMMITTEE MEMBERS



ADMINISTRATIVE OFFICE
OF THE COURTS

Judicial Council Collaborative Court-County Working Group on Enhanced Collections Subcommittee Members

TAB A

Legislation Subcommittee

Chair: Marcia Faulkner, San Bernardino County Administrator's Office
Members: Robert Bradley, Superior Court of San Diego County
Dorothy Cox, County of Placer
Elizabeth Howard, California State Association of Counties
Larry Jackson, Superior Court of Los Angeles County
Mary Lawrence, Franchise Tax Board
Rubin Lopez, California State Association of Counties
Steve Nelson, Superior Court of Orange County
Robert Sherman, Superior Court of Ventura County
Raymond Tickner, Superior Court of Shasta County
Sharon Garcia, California Youth Authority
Monica Montanez, California Youth Authority
Linn Smith, San Joaquin County Office of Revenue Recovery
Mark Wilman, Superior Court of Los Angeles County
Lead Staff: Eraina Ortega, Administrative Office of the Courts
Staff: Ruben Gomez, Administrative Office of the Courts

TAB B

Guidelines and Standards Subcommittee

Co-Chairs: Jody Patel, Superior Court of Sacramento County
Chuck Wagner, County of Tuolumne
Members: Connie Ahmed, County of Sacramento
Maureen Ashby, Superior Court of Sacramento County
Vanessa Balinton-White, County of Contra Costa
Robert Bradley, Superior Court of San Diego County
Martie Cornwell, County of Sacramento
Linda Durand, Superior Court of Ventura County
Doug Estes, County of Stanislaus
Tina Hansen, Administrative Office of the Courts
Kim Kelly, Superior Court of Santa Clara County
Dick Larsen, San Bernardino County Treasurer/Tax Collector
Mary Lawrence, Franchise Tax Board
Sandi Menefee, Department of Corrections
Sherman Moore, Superior Court of Sacramento County
Steve Nelson, Superior Court of Orange County
Julie Paoli, Superior Court of Mendocino County
Kim Pedersen, Superior Court of Sacramento County
Micki Regan-Silvey, County of Alameda
David Shaw, Victim Compensations & Government Claims Board
Karen Smith, Superior Court of Sutter County

Linn Smith, San Joaquin County Office of Revenue Recovery
Curt Soderlund, Superior Court of Sacramento County
Joy Walton, Alameda County Administrator's Office
Tania Ugrin-Capobianco, Superior Court of Mendocino County

TAB B

Court-County Collaborative Plans Subcommittee

Co-Chairs: Larry Spikes, Kings County Administrator's Office
Kiri Torre, Superior Court of Santa Clara County
Members: Linda Barnes, County of Butte
Robert Bradley, Superior Court of San Diego County
Marcia Faulkner, San Bernardino County Administrator's Office
Steve Nelson, Superior Court of Orange County
Dick Puelicher, County of Butte, Office of the Treasurer Tax Collector
Fred Plane, Kern County Administrator's Office
Robert Sherman, Superior Court of Ventura County
Phyllis Taylor, Superior Court of Ventura County
Tania Ugrin-Capobianco, Superior Court of Mendocino County
Lead Staff: John Judnick, Administrative Office of the Courts
Staff: Chris Patton, Administrative Office of the Courts
Grant Walker, Administrative Office of the Courts

TAB C

Operations/Fee Waiver Subcommittee

Michael Planet, Superior Court of Ventura County, Chair
Tonna Brodie, Superior Court of Ventura County
Marilyn James, Superior Court of San Diego County
Holly Bullen, Superior Court of San Diego County
Sandy Silva, Superior Court of Fresno County
Marita Ford, Superior Court of Riverside County
Lead Staff: Jeanne Caughell, Administrative Office of the Courts
Staff: Michael Fischer, Administrative Office of the Courts
Patrick O'Donnell, Administrative Office of the Courts
Cara Vonk, Administrative Office of the Courts
Bonnie Hough, Administrative Office of the Courts
Leah Wilson, Administrative Office of the Courts
Deborah Chase, Administrative Office of the Courts
Eraina Ortega, Administrative Office of the Courts
Rod Cathcart, Administrative Office of the Courts
Claudia Fernandes, Administrative Office of the Courts
John Judnick, Administrative Office of the Courts
Lead Staff: John Judnick, Administrative Office of the Courts
Staff: Dave Amos, Administrative Office of the Courts
Bonnie Hough, Administrative Office of the Courts
Martha Kilbourn, Administrative Office of the Courts

Stephen Nash, Administrative Office of the Courts
Chris Patton, Administrative Office of the Courts
Frank Tang, Administrative Office of the Courts
Grant Walker, Administrative Office of the Courts
Leah Wilson, Administrative Office of the Courts

TAB D

Reporting Subcommittee

Chair: Susan Null, Superior Court of Shasta County
Members: Robert Bradley, Superior Court of San Diego County
Jody Patel, Superior Court of Sacramento County
Linn Smith, San Joaquin County
Sherman Moore, Superior Court of Sacramento County
Curt Soderlund, Superior Court of Sacramento County
Tania Ugrin-Capobianco, Superior Court of Mendocino County
Lead Staff: Steven Chang, Administrative Office of the Courts
Staff: Frank Tang, Administrative Office of the Courts

TAB E

Education & Training Subcommittee

Chair: Hon. David Sotelo, Superior Court of Los Angeles County
Members: Hon. Douglas Miller, Superior Court of Riverside County
Hon. William W. Pangman, Superior Court of Sierra County
Vanessa Balinton-White, County of Contra Costa
Nancy Bischoff, County of San Joaquin
Cynthia Florez-De Lyon, California Youth Authority
Joanne Garcia, Department of Corrections
Michael Planet, Superior Court of Ventura County
Sharon Garcia, California Youth Authority
Inga McElyea, Superior Court of Riverside County
Monica Montanez, California Youth Authority
Steve Nelson, Superior Court of Orange County
Linn Smith, San Joaquin County Office of Revenue & Recovery
Curt Soderlund, Superior Court of Sacramento County
Lead Staff: Rod Cathcart, Administrative Office of the Courts
Claudia Fernandes, Administrative Office of the Courts
Staff: Ruben Gomez, Administrative Office of the Courts
Bonnie Hough, Administrative Office of the Courts
Martha Kilbourn, Administrative Office of the Courts
Bob Lowney, Administrative Office of the Courts

TAB F

Operations Subcommittee

Chair: Michael Planet, Superior Court of Ventura County
Members: Vanessa Balinton-White, County of Contra Costa
Richard Cabral, Superior Court of Ventura County
Doug Estes, County of Stanislaus
Christine Gentry, Superior Court of Sonoma County
Jody Patel, Superior Court of Sacramento County
Micki Regan-Silvey, County of Alameda
David Shaw, Victim Compensation & Government Claims Board
Joy Walton, Alameda County Administrator's Office
Lead Staff: Jeanne Caughell, Administrative Office of the Courts
Staff: David Koon, Administrative Office of the Courts

TAB G

Statewide Request for Proposals (RFP) Subcommittee

Chair: Tina Hansen, Administrative Office of the Courts
Members: Robert Bradley, Superior Court of San Diego County
Elizabeth Howard, California State Association of Counties
Mary Lawrence, Franchise Tax Board
Rubin Lopez, California State Association of Counties
Jeffrey Meyer, County of El Dorado
Sherman Moore, Superior Court of Sacramento County
Fred Plane, Kern County Administrator's Office
Micki Regan-Silvey, County of Alameda
Robert Sherman, Superior Court of Ventura County
Kiri Torre, Superior Court of Santa Clara County
Chuck Wagner, County of Tuolumne
Joy Walton, Alameda County Administrator's Office
Lead Staff: Grant Walker, Administrative Office of the Courts
Staff: John Judnick, Administrative Office of the Courts

TAB H

Standard Fine Schedule Subcommittee

Chair: Hon. William Pangman, Superior Court of Sierra County
Members: Jackie Davenport, Superior Court of El Dorado County
Larry Jackson, Superior Court of Los Angeles County
Jeffrey Meyer, County of El Dorado
Rebekah Peake, Superior Court of El Dorado County
Kim Pedersen, Superior Court of Sacramento County
Sandra Silva, Superior Court of Fresno County
Robert Stonehouse, State Controller's Office

Lead Staff: Mark Wilman, Superior Court of Los Angeles County
Ruben Gomez, Administrative Office of the Courts
AOC : Bonnie Hough, Administrative Office of the Courts
Frank Tang, Administrative Office of the Courts
Courtney Tucker, Administrative Office of the Courts.
Mark Yuan, Administrative Office of the Courts

Collaborative Court-County Working Group on Enhanced Collections Report

LEGISLATION SUBCOMMITTEE

TAB A



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE LEGISLATION SUBCOMMITTEE
Of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Marcia Faulkner, <i>Chair</i> , San Bernardino County Administrator's Office
	Robert Bradley, Superior Court of San Diego County
	Dorothy Cox, County of Placer
	Elizabeth Howard, California State Association of Counties
	Larry Jackson, Superior Court of Los Angeles County
	Mary Lawrence, Franchise Tax Board
	Rubin Lopez, California State Association of Counties
	Steve Nelson, Superior Court of Orange County
	Robert Sherman, Superior Court of Ventura County
	Raymond Tickner, Superior Court of Shasta County
	Sharon Garcia, California Youth Authority
	Monica Montanez, California Youth Authority
	Linn Smith, San Joaquin County Office of Revenue Recovery
	Mark Wilman, Superior Court of Los Angeles County
AOC Staff	Eraina Ortega, <i>Lead Staff</i> , Office of Governmental Affairs
	Michael Fischer, Office of the General Counsel
	Ruben Gomez, Finance Division

Objectives of Report

The Legislation Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with drafting necessary cleanup legislation and with identifying statutory changes and considering new legislation that would assist in the efficient and effective collection of fines, fee, forfeitures, penalties and assessments.

Background and Discussion

Allowing court-ordered fines and penalties to be ignored diminishes public respect for the rule of law. Additionally, the budgets of courts and local governments are increasingly dependent on the collection of court-ordered fees, fines, forfeitures, penalties, and assessments. Enhanced collections programs have the potential to significantly increase revenues to the state, the trial courts, and local government entities as well as strengthen the enforcement of court orders. The Collaborative Court-County Working Group on Enhanced Collections has identified statutory changes that would assist in the prompt, efficient, and effective collection of revenues and in ensuring the appropriate respect for court orders.

Installment Payments

Under current law, the county board of supervisors can set a fee, not to exceed \$35, for establishing an installment account. Generally, county collection and probation departments charge this fee. In some counties, however, courts operate collections programs and establish the installment accounts. The amended law would allow the court or the county, depending on which one sets up the installment payments, to charge the fee and receive the revenue.

In addition, the Legislation Subcommittee, with the concurrence of the working group as a whole, recommends that the fee for establishing installment accounts be increased. In recognition that fees charged by courts should be uniform and that local court approval of the fee would be administratively burdensome, the working group recommends that the fee for courts be set by the Legislature at \$50.

Interest Charges

Under current law, the state Department of Child Support Services can charge 10 percent interest for back child support because child support orders are money judgments and subject to interest. The possibility of allowing courts and counties to apply interest charges to delinquent fees and fines in the same manner should be explored.

Some of the concerns raised about this proposal have to do with the technological aspects of charging interest—specifically the ability of case management and accounting systems to calculate interest amounts and the possibility that interest charges would create a barrier for payment of a delinquent account. There are also concerns about the appearance of “double dipping” when interest is charged and costs are recovered through a comprehensive collections program.

Despite these concerns, the Legislation Subcommittee believes that assessing interest can be a useful tool when included in a collections program. Accordingly, the subcommittee, with the concurrence of the working group, recommends that staff explore the legal and operational feasibility of this proposal.

Recommendation

The Legislation Subcommittee recommends that the Judicial Council:

1. Sponsor legislation to (a) allow courts (in addition to counties) to charge a fee for setting up installment payments when a person is not paying his or her full fee or fine at one time and (b) increase the fee from \$35 or less to \$50; and
2. Direct staff to review the feasibility of charging interest on delinquent fees and fines.

Collaborative Court-County Working Group on Enhanced Collections Report

GUIDELINES AND STANDARDS
SUBCOMMITTEE

TAB B



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE GUIDELINES AND STANDARDS SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Jody Patel, <i>Co-Chair</i> , Superior Court of Sacramento County
	Chuck Wagner, <i>Co-Chair</i> , County of Tuolumne
	Connie Ahmed, County of Sacramento
	Maureen Ashby, Superior Court of Sacramento County
	Vanessa Balinton-White, County of Contra Costa
	Robert Bradley, Superior Court of San Diego County
	Martie Cornwell, County of Sacramento
	Linda Durand, Superior Court of Ventura County
	Doug Estes, County of Stanislaus
	Christine M. Hansen, Administrative Office of the Courts
	Kim Kelly, Superior Court of Santa Clara County
	Dick Larsen, San Bernardino County Treasurer/Tax Collector
	Mary Lawrence, Franchise Tax Board
	Sandi Menefee, Department of Corrections
	Sherman Moore, Superior Court of Sacramento County
	Steve Nelson, Superior Court of Orange County
	Julie Paoli, Superior Court of Mendocino County
	Kim Pedersen, Superior Court of Sacramento County
	Micki Regan-Silvey, County of Alameda
	David Shaw, Victim Compensation and Government Claims Board
	Karen Smith, Superior Court of Sutter County
	Linn Smith, San Joaquin County Office of Revenue Recovery
	Curt Soderlund, Superior Court of Sacramento County
	Joy Walton, Alameda County Administrator's Office
	Tania Ugrin-Capobianco, Superior Court of Mendocino County
AOC Staff	John Judnick, <i>Lead Staff</i> , Finance Division
	Dave Amos, Finance Division
	Bonnie Hough, Center for Families, Children & the Courts
	Martha Kilbourn, Education Division
	Stephen Nash, Finance Division
	Christine Patton, Regional Administrative Director, Bay Area/Northern Coastal Region
	Frank Tang, Finance Division
	Grant Walker, Finance Division
	Leah Wilson, Center for Families, Children & the Courts

Objective of Report

The Guidelines and Standards Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with establishing guidelines and standards in order to: (1) survey and assess existing collections programs and establish minimum standards based on successful collection models; (2) assist courts and counties in the development of a cooperative plan to implement guidelines for a comprehensive collections program, including a memorandum of understanding (MOU) among all of the participating parties that specifies minimum program components; (3) evaluate standards for reporting collections program performance and effectiveness; (4) explore the viability of an amnesty program; and (5) produce guidelines to assist courts and counties in the development of operational policies and procedures as established in the Administrative Office of the Courts' (AOC) Trial Court policies and procedures manual.

The following guidelines and standards are intended as a roadmap for use by courts and counties as they enhance their collections programs.

Guidelines

Court-County Collaborative Plans

1. Ensure an efficient, effective, and comprehensive program by providing for maximized collection of monies owed for fees, fines, forfeitures, penalties, and assessments imposed by court order:
 - a. A collections program should include more than one court or county when this would improve the efficiency and effectiveness of the collection process.
 - b. As required by statute, courts and counties must maintain the collections program that was in place on January 1, 1996, unless changes are agreed to by the court and the county.
 - c. When a court and county are unable to agree on a cooperative plan to implement the Judicial Council's guidelines, the court or the county must request mediation assistance from the AOC and the California State Association of Counties.
2. Develop a plan to fit the identified needs and available resources.
3. Put the plan in writing in an MOU;
4. Provide for the distribution of all collected monies in a fair and equitable manner; and
5. Provide for a collections committee that is responsible for specified activities.

Reporting on Collections Program Activity

1. Provide for periodic joint reporting on the effectiveness of the program, by the court and county, to the Judicial Council and the AOC; and
2. Provide guidance for collecting and reporting the data necessary to measure the performance of the collections programs.

Operational Policies and Procedures

1. Provide for the development of a comprehensive manual of operational policies and procedures.

Use of Franchise Tax Board

1. Participate in the Franchise Tax Board Court-Ordered Debt Collection Program; and
2. Participate in the Franchise Tax Board Interagency Intercept Collection Program.

Program Concerning Professional and Business Licenses

1. Participate in any legislatively authorized program that authorizes the Department of Motor Vehicles and the Department of Consumer Affairs to suspend and/or refuse to renew licenses for licensees with unpaid fees, fines, or penalties. Report to the Judicial Council periodically on the effectiveness of the program.

Fee Waivers

1. Ensure that any program for effectively collecting fees and costs for civil litigation does not prevent indigent litigants from using the judicial system to resolve civil disputes, dissolution of marriages, support, custody, and other family law matters; and
2. Provide an opportunity for a dialogue about the adequacy of current standards, as set forth in existing statutes and rules.

Amnesty Programs

1. Do not make an amnesty program part of a comprehensive collections program, for the following reasons:
 - a. Although an amnesty program may bring in substantial one-time revenues and result in the closure of many delinquent cases, the chilling effect on ongoing revenues will be substantial, both for those courts and counties with established, successful collections programs and for those looking to initiate or enhance a collections program;
 - b. Amnesty programs are extremely labor-intensive, and cutbacks in staffing levels due to the state budget crisis have left the counties and courts with insufficient resources to manage the increased workload; and

- c. A fine is a punishment for a crime, and failure to hold the defendant fully accountable erodes confidence in and respect for the judicial system.

Discharge of Accountability

1. Provide a process for handling the discharge of accountability on uncollected cases.

Standards

Court-County Collaborative Plans

1. Each court and county must establish a committee to coordinate enhanced collections and compliance. This committee is responsible for the collections program and:
 - a. Recommends a model to use for collections;
 - b. Recommends a cooperative plan for collections and for an MOU;
 - c. Addresses any issues related to the program, including coordination, division of responsibilities, and flow of information among all involved organizations;
 - d. Reports periodically to the county board of supervisors, the court executive committee, and the Judicial Council on the performance and effectiveness of the program; and
 - e. Meets at least semiannually to review the program and its results.
2. The comprehensive collections program must comply with the requirements contained in Penal Code section 1463.007.
3. The MOU must include program components that can be either incorporated into an existing county services agreement or made into a separate standalone agreement. The MOU must contain at least the following components:
 - a. A provision for revenue sharing that clearly identifies the party entitled to the revenue;
 - b. Performance measurement reporting that includes sufficient data to measure the effectiveness of the collections program; and
 - c. Reporting requirements, including a standard format for reporting to the local collection committee, to the Judicial Council, and to the Legislature.
4. The MOU must be approved by all of the participating parties, including the county board of supervisors and the court executives committee.

Reporting on Collections Program Activity

1. Reports must be prepared in the standard format developed by the Administrative Office of the Courts;

2. Each court and county must submit a joint report to the Judicial Council at least annually. The report must include measurements of the effectiveness and efficiency of the collections program, supported by sufficient data.
3. Systems used in collections should be able to track amounts placed into collections by year and must associate the amount collected with the year it was placed in collections (aging).
4. Amounts placed in collections should be reconciled to the supporting case management systems monthly. Collection account reconciliation's must be performed at least annually.
5. Performance measurement standards must determine the effectiveness and efficiency of the collections program:
 - a. On an overall basis;
 - b. By court or county; and
 - c. By type of court-ordered debt.
6. An effective and efficient collections program must be measured over a four-year time span if the collections (prior to cost reductions), by type of court-ordered debt, are at least:
 - a. 50 percent for traffic;
 - b. 50 percent for civil;
 - c. 25 percent for criminal; and
 - d. 50 percent overall.
7. Each court and county must establish a method of periodically evaluating the amounts referred to collections for effectiveness and efficiency.
8. Each external collection agency or company to which amounts are referred for collections must be evaluated for effectiveness and efficiency periodically, preferably every four years.
9. Collection performance measurements must account separately for alternative payment processes.
10. Collection reports must be retained for at least three years.

Operational Policies and Procedures

1. Each program must document its operational policies and procedures in a comprehensive manual.

2. The local court-county collections committee must document in writing the reasons for any deviation of local policies and procedures from the guidelines once an AOC statewide operational policies and procedures manual is established.
3. The program's operational policies and procedures manual must address at least the following items:
 - o General information;
 - o Employee requirements;
 - o Reference to applicable statutes;
 - o Applicable agreements affecting collections;
 - o Organization and staffing;
 - o Work process flow;
 - o Initial customer contact;
 - o Installment plans;
 - o Types of payment accepted;
 - o Telecommunication tools;
 - o Search tools and techniques;
 - o Manual collection methods;
 - o In-house automated collection systems;
 - o Process for referrals to the Department of Motor Vehicles;
 - o Process for referrals to the Franchise Tax Board;
 - o Process for referrals to other state agencies;
 - o Process for referrals to outside collection agencies;
 - o Waivers;
 - o Discharge of accountability;
 - o Monitoring and evaluation of collection results;
 - o Reporting results;
 - o Collections receipting;
 - o Accounts receivable records;
 - o Transfer of records to another agency;
 - o Prorating of accounts receivable collected;
 - o Timing of destruction of records;
 - o Financial evaluations;
 - o Revenue distribution and settlement;
 - o Customer contact requirements;
 - o Phone contact;
 - o Notification letters; and
 - o Training.

Use of Franchise Tax Board

1. The court or county must undertake appropriate steps to collect an item locally before referring it to the Franchise Tax Board for collection.
2. A court or county may include participation in the Franchise Tax Board collections programs in its comprehensive collections program. If it does, at least the following elements must be included in one or both of the programs:
 - a. Franchise Tax Board Court-Ordered Debt Collection Program
The court or county must:
 - i. Evaluate the appropriateness of using the program and make appropriate adjustments;
 - ii. Comply with the requirements of Revenue and Taxation Code sections 19280–19283;
 - iii. Adhere to case referral and program participation standards;
 - iv. Meet the requirements for automated system record layouts; and
 - v. Agree to the contractual requirements of the program.
 - b. Franchise Tax Board Intercept Collection Program
The court or county must:
 - i. Evaluate the appropriateness of using the program and make appropriate adjustments;
 - ii. Comply with the requirements of Government Code sections 926.8 and 12419 et seq.;
 - iii. Meet the Select FTB reporting requirements for automated systems; and
 - iv. Execute the FTB *Initial Request to Participate Notice*.

Discharge of Accountability

1. Discharge of accountability on uncollected debts must be sought only when either:
 - a. It has been determined that the cost of recovery exceeds that of collection or that insufficient data exist to locate the debtor;
 - b. All the required reasonable collection efforts have been performed:
 - (1) Letters requesting payment, in accordance with collection standards;
 - (2) Attempts at telephone contact with delinquent debtors, in accordance with collection standards;
 - (3) Attempts at legal action, such as bank and wage attachments, when employment and assets are known;
 - (4) Reporting of accounts to the credit bureaus;
 - (5) Filing of abstracts against current and future acquisition of real property;
 - (6) Return of accounts to the court for issuance of warrants, as needed; and
 - (7) Requests for violation of probation hearings, as needed.

- c. At least five years have elapsed from the due date or conviction date;
 - d. The debtor is incarcerated; or
 - e. The debtor is deceased and the estate has no assets.
- 2. Prior to the discharge of accountability, debts should be submitted to any entities performing enhanced collection processes for the time frames contractually agreed to. These agencies include:
 - a. Franchise Tax Board intercept and collection programs;
 - b. External collection agency;
 - c. County revenue recovery departments;
 - d. State or local licensing boards for any debtor who has a license;
 - e. Department of Motor Vehicles; and
 - f. Credit reporting agency.
- 3. Debts meeting all requirements must be submitted for discharge of accountability at least annually.
- 4. An application for a discharge from accountability must comply with all of the requirements of Government Code section 25258.
- 5. Recommendations for discharge of accountability must come from the collections committee, the office of the court executive, the county board of supervisors, or a designee.
- 6. Recommendations for discharge of accountability must be categorized into these standard groups:
 - a. Unable to locate debtor and/or assets;
 - b. Deceased;
 - c. Debtor without ability to pay;
 - d. Legally not collectable—e.g., statute of limitations;
 - e. Cost of collection would exceed amount collected;
 - f. Settlement; and
 - g. Sent to prison.
- 7. Either the county board of supervisors or the court executive committee must be authorized to approve discharges of accountability:
 - a. Whichever entity is responsible for collections in the county must be responsible for authorizing the discharge; and
 - b. Discharge disclosure must comply with all statutes relating to disclosure.

8. Dockets and other documentation concerning debt must not be destroyed under any record retention policy until such time as the collecting entity in the county agrees that the documentation is no longer required.

Recommendations

The Guidelines and Standards Subcommittee recommends that the Judicial Council:

1. Adopt the standards and guidelines for use by courts and counties as a road map in the development or enhancement of a collection program ;
2. Direct the trial court, in collaboration with its county, to establish a countywide enhanced collection and compliance coordination committee and enter into a written MOU as specified in this report;
3. Not make an amnesty program part of the comprehensive collection program; and
4. Adopt the standards for discharge of accountability and require the court to comply with Government Code section 25258 when discharging court-ordered debt.

COLLECTIONS TASK FORCE GUIDELINES AND STANDARDS

DEFINITION: DELINQUENT ACCOUNTS/PAYMENTS

California Rule of Court 810 (CRC), Government Code section 77003, discusses “court operations”. Rule Of Court Function 5, Collections Enhancement, identifies collections enhancement as collections performed in the enforcement of court orders for fees, fines, forfeitures, restitutions, penalties, and assessments (*beginning with the establishment of the accounts receivable record*).

Forthwith payments/collections are received or performed by the court and the associated costs are solely incurred by the court and will not be reported as an enhanced or delinquent collection cost. This collections category involves payments on the same day as the court order and generally involves no ‘extra’ cost. This category also includes payments under an established collection agreement where there has been compliance with the terms and conditions of the collections agreement (also considered an accounts receivable). Certain courts include installment collections either fully or partially (installment collections with payment terms exceeding 30 days) within their collections program (enhanced/comprehensive). This would not be the case by this definition. Forthwith payments may be included as a separate category of the SB940 reporting to ensure total payments on court ordered debt are accumulated.

Cost of staff whose principal involvement is in collecting ‘forthwith’ payments are not part of the enhanced collections cost in function 5 and therefore not a county charge or cost unless considered as part of a comprehensive collection program. Forthwith payments are distinguished from enhanced collections primarily by the timing of the payments and who incurs the cost of the collection.

Enhanced collections are non-forthwith collections where costs are incurred and either paid directly by or reimbursed by the county. The collections may be part of a comprehensive collections program. These collections would be reported in the reporting required under SB940 as part of the collections program.

An account is considered to be delinquent the day after the payment is due. However, from strictly an operational perspective, accounts may not be transferred to a collections program until possibly 30 to 45 days after the account has been deemed delinquent.

Comprehensive collections programs (Penal Code 1463.007) by statute involves the collection of ‘delinquent’ fines and forfeitures. Fees and penalties will also be included under here under current draft legislation. Delinquent payments will include all payments not received under the established collection agreement or court order. Installment payments are not included as delinquent if the terms and conditions of the collections agreement are met regardless of the length of the payment agreement.

RECOMMENDATION

Reporting of delinquent accounts/payments must be consistent on a statewide basis. Delinquent accounts should be defined as:

- Non-forthwith collections **except for** installment payment accounts which have **not** met the agreed-upon terms and conditions of the installment agreement.

Collaborative Court-County Working Group on Enhanced Collections Report

OPERATIONS/FEE WAIVER
SUBCOMMITTEE

TAB C



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE OPERATIONS/FEE WAIVERS SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

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	Rod Cathcart, Education Division/Center for Judicial Education and Research
	Claudia Fernandes, Education Division/Center for Judicial Education and Research
	John Judnick, Finance Division

Objectives of Report

The issue of civil fee waivers has been a topic of discussion in the judicial branch for several years. The challenge is to collect the fees and costs due the court for civil litigation and family and juvenile proceedings (as appropriate), in order to maximize court revenues, while at the same time ensuring that indigent litigants have access to the judicial system for the resolution of civil disputes, dissolution of marriages, child support and custody, and other family law matters. In response to the recommendations on civil fee waivers from the Guidelines and Standards Subcommittee (see that subcommittee's report), a subgroup of the Operations Subcommittee began to develop a set of operational recommendations concerning fee waivers.

The objective of this report is to present recommendations for statewide policies and procedures concerning fee waivers and propose statewide guidelines and effective practices for (1) evaluation of eligibility, training, and education of judicial officers and court staff; (2) ongoing case monitoring in regard to indigence status; and (3) the subsequent collection of fees.

Background and Discussion

The waiver of court fees is addressed in a number of statutes and rules of court. Government Code section 68511.3 establishes the procedures for adopting forms and rules of court for litigants proceeding in forma pauperis, including information to be used in determining the ability of litigants to pay all or portions of court fees and costs. Rule 985 of the California Rules of Court sets forth the eligibility criteria, the application to be used, and court procedures for determining the waiver of fees and costs.

Several Judicial Council advisory committees, subcommittees, and other working groups have worked on forms and procedures relating to fee waivers. The Civil and Small Claims Advisory Committee, through its Small Claims/Limited Civil Cases Subcommittee, is tasked with reviewing and updating the forms and recommending rule changes to comply with changes in law as well as to improve the process. The Family and Juvenile Law Advisory Committee has examined the fee waiver issue from the perspective of family law, adoption, and guardianship cases. More recently, the Collaborative Court-County Working Group on Enhanced Collections has taken up the issue of fee waivers.

The Operations/Fee Waivers Subcommittee conducted a limited survey of effective practices, innovative court rules and procedures, and other aspects of fee waivers in California and in other states. We examined, for example, policies on fee waivers developed by the Superior Courts of Riverside and Fresno Counties, as well as sections of the Arizona Code of Judicial Administration relating to fee waivers. An informal survey of California courts on fee waiver practices was also conducted. (See Appendix A.)

The research and information gleaned through surveys, although limited, leads to several observations about fee waivers:

1. There is no comprehensive statewide information or statistics on the number of fee waiver applications submitted, granted, or denied in California in a given time period. No dollar value is known for waived fees or for other waived court costs. The lack of such comprehensive information is the result of multiple factors, including the inability of financial and case management systems to collect data and the fluidity of individual litigants' financial condition and ability to pay fees and costs. The range of practices in the California courts adds another level of complexity to the development of statistically reliable information in this area. The benefit of conducting a study to gather this information is questionable given the enormity of the task, the extensive time and resource commitment required, and the likely result—inconclusive data.
2. The revenues lost because of waivers may be less significant than feared by policymakers, who are concerned about the perception that judges and court staff are consistently and routinely granting fee waivers without determining good cause. Studies conducted in several

California courts indicate that the vast majority of fee waivers fall into one of two nondiscretionary categories, as defined by statute, *at the time the waiver is requested*. A Superior Court of San Diego County study of fee waiver applications revealed that 88 percent fell within the two nondiscretionary categories and only 11 percent into the court's discretionary category. Similar studies in the Superior Courts of Fresno and Ventura Counties show that 90 percent and 91 percent, respectively, of fee waiver applications fall into one of the nondiscretionary categories. These data suggest that approximately 90 percent of all litigants who request fee waivers in California are indigent and that judicial discretion is a factor in a relatively small percentage.

3. Courts are struggling to develop and implement uniform practices and procedures in regard to fee waivers. Differences in case type are a factor, because each type is managed under different statutory requirements, court rules, and administrative processes. The ability to verify financial information at the time a waiver is requested is limited by statute. The volume of waiver requests is another factor for the larger courts. Most courts do not have the resources to conduct a complete financial evaluation in every case, or the means to monitor cases to determine changes in the financial ability of litigants to pay.
4. Most judicial officers cannot devote sufficient time to fee waiver requests without adding to the calendar congestion and backlog that most California courts face.

All of this suggests a potential approach to the challenge of collecting fees and costs while ensuring the widest possible access to the courts. Under the rubric of a comprehensive fee waiver program, the limited branchwide resources should be focused on new approaches and effective practices for (1) verifying, monitoring, and tracking changes in financial ability to pay; (2) collecting and recovering fees; and (3) training judges and staff.

Categories of Fee Waivers

California law and the California Rules of Court define three basic categories of fee waivers. Two of these categories are considered nondiscretionary because the applicants meet certain statutory criteria. The third category of fee waivers is considered discretionary and depends on a finding of good cause.

Category 1 is nondiscretionary and consists of waivers for litigants who are receiving financial assistance under Supplemental Security Income (SSI) and State Supplementary Payment (SSP); CalWORKS; the federal Food Stamp Program; and/or general relief or general assistance from the county.

Category 2 also is nondiscretionary and consists of waivers for litigants whose total gross monthly household income is 125 percent or less of the current poverty-line monthly amount

established annually by the Secretary of Health and Human Services under the Omnibus Budget Reconciliation Act of 1981, as amended.

Category 3 is discretionary. It consists of waivers awarded on the basis of financial information submitted by litigants indicating that their income is inadequate to pay for the basic necessities of life for them or their families.

Types of Fees and Costs Subject to Waiver

If a petition for a fee waiver is granted, some or all fees and costs other than filing fees—such as copies and certification, service of process by a sheriff or marshal, clerk’s transcript on appeal, court reporters’ fees for attendance at hearings, and trial and court-appointed interpreters’ fees for parties in small claims—may be waived and provided at public expense.

Additional fees and costs that may be waived and provided at public expense include court-appointed counsel in dependency cases and contested custody cases, guardianship investigation fees, jury and witness fees, and court-appointed experts. (See Appendix B.) Many of these additional fees are ordered waived at subsequent stages of litigation, outside the standard waiver request process. Such “waiver subject costs” are not within the scope of this study. However, the same principles of revenue recovery and access are applicable and would be enhanced by folding them into a standard process governing all fee and cost waivers.

Findings

Evaluating Eligibility for a Waiver

The criteria for the three waiver categories help differentiate the operational approaches courts can take in evaluating eligibility in individual cases.

Category 1 litigants are all on some form of public assistance. It is a fairly safe assumption that such a litigant is a persistent or permanent indigent whose financial circumstances are not likely to change during the life of the case. In these cases, it is neither appropriate as a matter of public policy nor realistic to attempt to recover any waived fees or costs.

A category 2 litigant has an income that falls below the annual statutory poverty line at the time his or her initial request is filed, but in some kinds of cases there is a likelihood that the financial circumstances and ability to pay will change.

Consider, for example, a spouse in a family law case who is not the primary wage earner of the family. Although the spouse meets the category 2 criteria at the time he or she files a dissolution petition, that financial condition may change once spousal support and maintenance are established and again at the conclusion of the case, when a final distribution of assets is determined. Fees and costs that were waived at the beginning of the case could be recovered either from the

petitioner or as part of the final settlement. Similar examples occur in civil, probate, and guardianship cases. In category 2, processes and procedures could be instituted to recover waived fees and costs when appropriate.

Category 3 litigants must show that they are unable to meet basic needs. As in category 2 cases, and for many of the same reasons, litigants may experience a change in financial circumstances, making recovery of waived fees and costs possible. In addition to the examples of changing financial circumstances described for category 2 cases above, court files often contain information that suggests that litigants have the ability to pay fees and costs. Examples include notices of appearance of legal counsel, documents prepared by a legal document assistance service, and evidence of credit cards or other lines of credit.

In verifying waiver requests, courts are somewhat constrained by statute and rule of court. Litigants are required to use Judicial Council forms, file them under oath, and provide documentation of benefits and financial statements detailing income and expenses. A litigant requesting a category 1 waiver may voluntarily provide a social security number or Medi-Cal identification number but is not required to do so. Courts can require litigants to appear and be examined in regard to the validity of their indigent status, but not more than once every four months. For category 2 waivers, courts may require income information but not information about assets or expenses. For category 3 waivers, courts may require income, expense, and asset information on a form provided by the Judicial Council.

Courts can challenge the validity of financial information but only if there is a “substantial evidentiary conflict to be resolved.” There are substantial access-to-justice considerations that mitigate against a more stringent verification process. In addition, the effort required to carry out a complete verification of every waiver request would be very costly and time-consuming for most courts.

It is worthwhile to consider approaches other than attempting to change the rules of court to require more information for a determination of whether a litigant is eligible for a waiver. One approach is to develop alternatives short of permanently waiving all fees and costs, such as granting partial waivers. For example, the initial filing fee could be waived to give access to the court system, with other, related costs such as service of process and certified copies left intact.

Another approach, which is utilized in Arizona, is to defer or postpone waivers, allowing fees and costs to be waived at the outset but collected at the conclusion of the case. Given adequate resources, courts could monitor cases periodically to determine whether the financial condition of the litigants has changed to a point where they are no longer eligible for a waiver under one of the three categories.

Suggestions/considerations

1. Develop guidelines to improve court staffs' understanding of appropriate methods of verifying and monitoring eligibility;
2. Improve procedures and develop practical guidelines to effectively process the discretionary category 3 waivers;
3. Establish effective practices for meeting the minimum verification requirements in Government Code section 68511.3;
4. Establish effective practices for ongoing monitoring of cases and changes in financial circumstances;
5. Offer installment or credit card payments;
6. Offer use of partial waivers when appropriate;
7. Promulgate rules of court to authorize deferred or postponed waivers;
8. Develop a methodology for enforcing the statutory duty of an applicant to notify the court of changed financial circumstances affecting his or her ability to pay; and
9. Create a working group—composed of judicial officers, court executive officers, legal service providers, Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee members, and other interested persons—to develop statewide effective practices and procedures.

Enhanced Payment Options and Recovery of Waived Fees and Costs

Collecting fees and costs in general presents a series of operational challenges for courts already dealing with funding and staffing shortages. Consider the facts that the fee schedules have been changed at least four times over the past two years and that a series of new fees, such as those for security and trial continuances, has been added. Courts are staffed and equipped to process filing fees at clerks' office counters and through the mail. Waived fees and costs add another level of complexity to the basic function of collecting fees.

Providing courts with more modern collection tools would enhance filing and paperwork processing, not to mention improve customer service. Payment by debit card and electronic check should be added to the traditional methods of payment (cash, check, and money order).

Installment payments are another tool that would enhance payment of all fees and court costs, not just those that are waived. Although some litigants may not be able to pay the full amount of a filing fee, they may be able to pay in installments. This option would have to be carefully regulated—for example, by requiring a financial evaluation and limiting the circumstances under which installment payments are allowed.

Another kind of challenge, under current statutes and rules of court, revolves around the recovery of waived fees and costs. Litigants are required by Government Code section 68511.3 to notify the court within five days of any change in financial circumstances that affects their ability to pay fees and costs.

Statute also provides that if a litigant whose fees were waived in an action is entitled to recover fees and costs, the court may assess those fees and costs against the other party and order them paid to the court. If the payment is not received within 30 days, the court can issue an abstract of judgment or a writ of execution.

Finally, there are unique provisions for prison and jail inmates to file in forma pauperis. The problem is that there are no provisions for collecting fees and costs or enforcing collection in these circumstances. What is needed is a more cohesive approach to delineating both the responsibility of litigants to pay, and the authority of the court to enforce and collect, fees and costs under these special conditions.

Suggestions/considerations

1. Authorize and establish procedures for installment payments for fees and some court costs;
2. Establish procedures for enforcing the requirement that litigants notify the court of changes in their ability to pay waived fees and court costs;
3. Establish procedures for direct payment to the court by a litigant ordered to cover fees and costs for the litigant who received a waiver; and
4. Clarify and simplify procedures for recovery of fees from inmate accounts.

Comprehensive Fee Waiver Program

A new model is needed to effectively and efficiently address the challenges that waivers pose from a collection and recovery perspective. One model is the comprehensive collections program (Pen. Code, § 1463.007). Fitting collections of *fees* and *costs* into a program designed to collect *finer* offers a series of opportunities, including (1) the use of existing systems in courts and counties that have collections programs, (2) the ability to better monitor and track fee waiver cases and changes in financial circumstances, (3) the ability to set up payment plans, (4) the recovery of collection costs, (5) and the creation of an incentive by allowing the court or county to retain a portion of collected fees. All of these elements would motivate courts to be more proactive in recovering waived fees and costs. This model would be an effective vehicle for collecting not just waived fees and costs but fees that become delinquent because litigants do not follow the requirements of the law, as well as fees related to an executable order or judgment by the court.

Existing court and county collections programs have demonstrated their ability to enforce court-ordered fines and other costs such as restitution, booking fees, and attorney costs. These programs have also generated millions of dollars of revenue for a multitude of state, county, and local entities and for other programs that are eligible to receive distributions of collected monies. In addition, many agreements between courts and counties provide that the court will retain a percentage of collected dollars.

The components of Penal Code section 1463.007 that would apply in cases other than criminal cases and infractions include:

- Monthly billing statements to all debtors;
- Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations;
- Warning letters to advise delinquent debtors of an outstanding obligation;
- Requests for credit reports to assist in locating delinquent debtors;
- Access to Employment Development Department employment and wage information;
- Monthly generation of delinquent reports;
- Participation in the Franchise Tax Board's tax intercept program;
- Use of Department of Motor Vehicles information to locate delinquent debtors;
- Use of wage and bank account garnishments;
- Imposition of liens on real property and proceeds from the sale of real property held by a title company;
- Filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings; and
- Capability of accepting credit card payments.

Courts or counties that already have all or most of these elements in their comprehensive collections programs would be eligible to recover the costs of collection and recovery in delinquent cases. They might also be permitted to retain a percentage of any dollars collected—which could become a resource for purchasing equipment and systems to enhance their fee collection efforts.

Another code section that would be applicable in this setting is Penal Code section 1205, which authorizes a fee of \$30 for the processing of accounts receivable and a fee of up to \$35 for installment accounts.

Suggestions/considerations

1. Apply the provisions of Penal Code section 1463.007 to authorize the collection of waived fees and court costs through existing collections programs;
2. Amend Penal Code section 1205 to include court-ordered fees and costs, subject to the administrative fee for processing of accounts receivable and the fee for installment accounts. Refer this proposal to the Judicial Council's Policy Coordination and Liaison Committee for its review, with an eye for possible Judicial Council-sponsored legislation;
3. Develop procedures to integrate the collection of waived fees and costs with existing collections programs; and
4. Provide an incentive for courts and counties by authorizing them to retain a percentage of recovered monies for local use.

Training and Education

Fee waiver practices vary by court. While some courts require a financial assessment prior to granting a waiver, others may automatically grant a waiver based on the application alone. Courts will benefit from training on statewide guidelines that can be consistently applied along with criteria for determining applicants' ability to pay.

Conclusion

There is a direct relationship between access to the courts for the poor and the collection of fees and court costs. In an era of diminished resources, a court must be especially diligent in accounting for all the revenues it is owed, so that the programs aimed at access to court services and programs for the indigent remain viable.

The approach recommended in this report attempts to achieve this balance by: (1) simplifying the process for waiving fees and court costs through a system of deferring or postponing payment until the conclusion of a case; (2) enhancing the collection of all fees and court costs through the use of up-to-date methods of electronic payment and expanded use of payment plans; (3) establishing a vehicle for collecting fees and court costs that allows courts to recover collection costs and generates revenues to support court improvement projects; and (4) developing a comprehensive training program for judges and court staff on issues related to fees.

Recommendations

The Operations/Fee Waivers Subcommittee recommends that the Judicial Council:

1. Establish a task force, under the direction of the Collaborative Court-County Working Group on Enhanced Collections, composed of judicial officers, court executive officers, legal service providers, Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee members, and other interested persons. The task force would consider the suggestions made by this subcommittee and develop statewide effective practices and procedures for processing fee waivers.

Appendix A

Fee Waiver Survey

COURT	Does your court keep any data on the number of fee waivers filed or granted?	If so, do you have any data on the numbers filed or granted that fall into one of 3 categories described above? By case type?	Do you have any data on the dollar amount of waived fees and/or court costs?	Does your court have any policies or procedures to verify litigant's financial information for fee waiver requests, or changes in financial ability to pay fees?	Does your court have any systems or procedures in place to recover waived fees and/or costs, such as time limits, expiration dates or other practices?
ALAMEDA	Yes	By case type	Available	No	No
CONTRA COSTA	No	No	No	Follows procedures set forth on the Information Sheet attached to the application.	No
HUMBOLDT	No	No	No	No	The court will on occasion grant a fee waiver in the form of payments instead of a waiver, i.e. \$25 per month until fee is paid.
NAPA	Yes	By case type	It is available	No	At the time of granting a judgment, the judges makes a determination and enters it on the record or in the judgment itself for reimbursement of filing fee. No way of running a report to determine the frequency or the amount of the orders being made.
NEVADA	No	No	No	Set a hearing to determine financial assets.	Judgments/orders are not signed unless fee paid or new application for waiver filed.
RIVERSIDE	Yes	CMS has the capability to identify Category 1 and combined Categories 2 and 3.	Yes	Category 1 requires proof of public assistance; Categories 2 and 3 are referred for financial evaluation.	Did do a pilot project to re-evaluate financial status after 120 days. That was a proactive approach. However, we will also check financial status after 120 days when a person comes before us for another matter. In addition, we will file stamp cases where waivers have been granted to show that "waiver must be reevaluated after 120 days or on _____ date."

Appendix A Fee Waiver Survey

COURT	Does your court keep any data on the number of fee waivers filed or granted?	If so, do you have any data on the numbers filed or granted that fall into one of 3 categories described above? By case type?	Do you have any data on the dollar amount of waived fees and/or court costs?	Does your court have any policies or procedures to verify litigant's financial information for fee waiver requests, or changes in financial ability to pay fees?	Does your court have any systems or procedures in place to recover waived fees and/or costs, such as time limits, expiration dates or other practices?
SACRAMENTO	Small Claims and UD only	No	For Small Claims and UD only.	Drafting recommendations for routine re-examination of litigants to determine changes in ability to pay.	In some instances when the prevailing party on a fee waiver does order the losing party to pay the waived fees directly to the court.
SAN FRANCISCO	Yes	Yes, but we only have two categories: discretionary and non-discretionary. We are also able to distinguish between case types.	Yes	Yes. The PJ sets the matter for a hearing where the party is required to appear.	Yes. In Family Law for uncontested/default judgments only. We have a clerk who reviews the parties' most recent income information. If that information indicates that recovery of court fees is warranted, the clerk sends out a request for payment of court fees. We will not process the judgment until the fees have been paid.
SAN JOAQUIN	Our civil case management systems keeps track of the number of fee waivers requested and granted, per the JBSIS stats requirements.	We do not keep data on which of the 3 categories they fall into. Our CMS keeps track of the case type, however as an example, with our data we could determine how many were granted in dissolution with children for the month of April.	We do not have any data on the dollar amount, but could calculate from total number granted in each case type and time period, and multiplied by the fee amount that was waived.	The documentation listed on the information sheet for waiver of court fees/costs for the type of public assistance received is required. Last 2-3 paystubs required if the 2nd or 3rd category is claimed or a declaration, under penalty of perjury, on how supported if do not work or receive public assistance. One family law judge tries to ascertain, when a party appears in court, if their financial status has changed. If so, she will order them to pay the fee that was previously waived. So far, this hasn't happened.	No

Appendix A

Fee Waiver Survey

COURT	Does your court keep any data on the number of fee waivers filed or granted?	If so, do you have any data on the numbers filed or granted that fall into one of 3 categories described above? By case type?	Do you have any data on the dollar amount of waived fees and/or court costs?	Does your court have any policies or procedures to verify litigant's financial information for fee waiver requests, or changes in financial ability to pay fees?	Does your court have any systems or procedures in place to recover waived fees and/or costs, such as time limits, expiration dates or other practices?
SAN MATEO		By case type	No	No	No
SANTA BARBARA		The data is not kept by the 3 categories above, but it is kept by case type.	Yes, we keep data on the dollar amount waived.	Not currently.	We have a policy that fee waivers are valid for 6 months, regardless of the status of the case or case type. If a party files a document constituting a fee or requests copy work, etc. after the 6 months have expired, they are required to submit a new fee waiver.
SANTA CLARA	Yes	By case type only	No	Verification - requires proof of public assistance for Category 1, and last two months pay stubs or unemployment stubs for Categories 2 and 3.	When the waiver is initially filed we send out a clerk's notice advising parties that they have 10 days to pay the fees. Waivers are tracked from time of filing. If fees are not paid within a 10 day period, a letter stating the parties have not been paid goes out. The letter advises parties that failure to pay immediately may result in their filing being canceled. Ten days after the first letter goes out, if fees have not been paid, a judicial notice goes to the APJ advising them of the failure to pay and requesting approval for the filing to be canceled. If the APJ approves canceling the filing we send out a second letter advising the parties that their filing has been canceled due to failure to timely pay fees.
SOLANO	Yes, by docket code	No	Could be obtained by case type.	No	Currently no system in place. Had such a system in place years ago, but unable to continue due to budget constraints and staff shortages.

Appendix A
Fee Waiver Survey

COURT	Does your court keep any data on the number of fee waivers filed or granted?	If so, do you have any data on the numbers filed or granted that fall into one of 3 categories described above? By case type?	Do you have any data on the dollar amount of waived fees and/or court costs?	Does your court have any policies or procedures to verify litigant's financial information for fee waiver requests, or changes in financial ability to pay fees?	Does your court have any systems or procedures in place to recover waived fees and/or costs, such as time limits, expiration dates or other practices?
TULARE	Waivers granted	By case type	No	No. A review of fee waiver cases revealed it was not cost-effective to invest the resources into investigation of changed circumstances. This county maintains double-digit unemployment and an exceedingly high public assistance population.	No
VENTURA	Yes	No	Yes	No	No

Appendix B

COURT FEES/COSTS SUBJECT TO FEE WAIVER

Case Type	Initial Filing Fee	Service Fee	1 st Paper For Deft.	Motion	Cross-Complaint	Amended Complaint	Trial Continuance Fee	Jury Fees	Court Reporter Fees	Appeal	Clerk's Transcript	Copies/ Certification	Writ	Abstract	Petition To Seal Record	Investigation Fee
Civil Unlimited Jurisdiction	X	X(1)	X	X		X	X	X	X		X	X	X	X		
Civil Limited Jurisdiction	X	X(1)	X	X	X	X	X	X	X	X	X	X	X	X		
Small Claims	X	X(2)		X	X(3)	X	X(4)			X		X	X	X		
Juvenile															X	
Family Law	X	X(1)	X	X			X		X		X	X	X	X		
Probate	X	X(1)	X	X					X		X	X	X	X		
Adoptions	X										X					
Guardianship	X	X	X(5)						X	X	X	X				X
Conservatorship	X	X	X(5)						X	X	X	X				X

(1) Sheriff's Service Fee

(2) Sheriff's Service Fee and Court Certified Mail Service Cost

(3) Defendant's Claim Filing Fee

(4) Request For Postponement Filing Fee

(5) Objection Filing Fee

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Collaborative Court-County Working Group on Enhanced Collections Report

REPORTING SUBCOMMITTEE

TAB D



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE REPORTING SUBCOMMITTEE
Of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Susan Null, <i>Chair</i> , Superior Court of Shasta County Robert Bradley, Superior Court of San Diego County Jody Patel, Superior Court of Sacramento County Sherman Moore, Superior Court of Sacramento County Curt Soderlund, Superior Court of Sacramento County Linn Smith, San Joaquin County Office of Revenue Recovery Tania Ugrin-Capobianco, Superior Court of Mendocino County
AOC Staff	Steven Chang, <i>Lead Staff</i> , Finance Division Frank Tang, Finance Division

Objective of Report

The Reporting Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with providing recommendations with respect to timelines and content for all reporting required of superior courts and counties by Senate Bill 940 and Penal Code section 1463.010.

Background and Discussion

Penal Code 1463.010(d) makes the following requirements for reporting on collections:

- “Each superior court and county shall jointly report to the Judicial Council, as provided by the Judicial Council and not more than once a year, on the effectiveness of the cooperative superior court and county collection program.”
- “The Judicial Council shall report to the Legislature, as appropriate, on the effectiveness of the program.”

The initial recommendations of the Reporting Subcommittee were approved by the Collaborative Court-County Working Group on Enhanced Collections. The reporting template and recommendations were then amended in response to comments by interested parties.

In developing its recommendations, the Reporting Subcommittee conformed to the reporting guidelines and standards set forth by the Guidelines and Standards Subcommittee of the working group. When developing the specific reporting requirements related to collection of court-ordered delinquent and nondelinquent debt, the Reporting Subcommittee considered both the current and prospective collections reporting capabilities of superior courts and counties as well as the types of data (e.g., case type) and level of detail (e.g., aged accounts) needed to uniformly and accurately assess the effectiveness of collections programs.

Many courts and counties currently do not possess the capability to report the types of data and the level of detail that would permit uniform quantitative assessments of the effectiveness of collections programs beyond gross and net collections on total court-ordered debt. The Reporting Subcommittee believes that, in order for the data to be useful, courts and counties should report at least the following information semiannually: (1) program type (e.g., court or county program, Franchise Tax Board, or private agencies); (2) the value and number of new, referred, and closed cases of account receivables for debt; (3) detail related to the nature of closed debt, such as dismissals or alternative payments; and (4) discharge of accountability. However, in light of the varying collections reporting capabilities of courts, the recommended reporting elements were developed to allow courts and counties to report, if necessary, at a general rather than detailed level. While uniform assessment of cooperative court-county collections programs may not be possible at this time given the data reported by courts and counties, two worksheets in the reporting template will allow each court-county to discuss their collections program.

Although it would be desirable to obtain detailed information about court-ordered debt with respect to case type and aging, the Reporting Subcommittee realizes that not only is such detail not currently feasible, but the collection of reliable base data is more critical during this first year of reporting. The expectation is that more detailed data will be required as courts and counties acquire the reporting capabilities.

The Reporting Subcommittee also considered requiring courts and counties to report forthwith payments related to court-ordered debt in the fiscal year 2004–2005 reporting template. Such information would be helpful for putting into perspective the size of annual debt as a portion of total payments. To avoid placing additional reporting burdens on courts and counties, the Reporting Subcommittee decided not to require the reporting of forthwith payments. Courts and counties are encouraged to report such information, if it is available, in the two narrative sections of the reporting template.

Finally, the Reporting Subcommittee considered the frequency of the reports. Penal Code section 1463.010 requires no more than one joint report each year from courts and counties to the Judicial Council. A semiannual report, however, would allow the Administrative Office of the Courts (AOC) to effectively monitor the status and progress of collections programs and address any issues in a timely manner.

The reporting template contains the following worksheets:

- Instructions;
- Contact Information;
- Program Description;
- Glossary;
- Fiscal Year 2004–2005 Beginning Balance;

- Fiscal Year 2004–2005 Semiannual Worksheets (two);
- Summary of Fiscal Year 2004–2005 Collections;
- Collections Performance Discussion;
- Sample Fiscal Year 2004–2005 Beginning Balance; and
- Sample Fiscal Year 2004–2005 Semiannual.

Key reporting requirements include:

- Number and value of cases by collections program;
- Five collections program types:
 - Court program,
 - County program,
 - Private collection agencies,
 - Franchise Tax Board Court-Ordered Debt Collection Program, and
 - Other;
- Value of cases closed that are related to suspensions, alternative payments, dismissals, miscellaneous/other, and discharges of accountability;
- Gross revenue collected;
- Cost of collections (pursuant to Pen. Code, § 1463.007);
- Name of private collection agencies used;
- Penal Code section 1463.007 components used;
- Description of court-county collections program;
- Discussion of the performance of the court-county collections program; and
- Summary worksheet to be reviewed and signed annually by both the court (executive officer or presiding judge) and county (county auditor-controller or other).

Recommendations

The Reporting Subcommittee recommends that the Judicial Council:

1. Direct each trial court that has a collections program in collaboration with its county to report to the Judicial Council on December 1, 2004, its beginning balance for fiscal year 2004–2005 (as of July 1, 2004). The report must include outstanding court-ordered debt for all account receivables, including those related to installment plans but excluding those already discharged from accountability. This first report is due on December 1, 2004, in order to allow the Judicial Council to submit a report to the Legislature by March 2005.
2. In addition to legislatively mandated requirements that courts and counties submit year-end reports direct the trial courts, in collaboration with their counties, to submit

midyear reports on the first weekday in March of each year (the first mid-year report, for fiscal year 2004–2005, will be due on March 1, 2005).

3. Direct the trial courts, in collaboration with their counties, to submit their year-end reports by the first weekday in October, and the fiscal year 2004–2005 year-end report will be due October 3, 2005).
4. Approved the proposed report template and direct that all reports be submitted on the Judicial Council approved template (see Exhibit A).

FY 2004-05 Court/County Collections Program Report

Accounts Receivable - Number and Value of Cases

Beginning Balance as of July 1, 2004

Select court/county (see Contact Information worksheet #1)

	NUMBER OF CASES	VALUE OF CASES
	Number of Cases Opened or Referred Prior to July 1, 2004	Value of Cases Opened or Referred Prior to July 1, 2004
Program	Col. A	Col. B
Court	100	\$ 100,000
County	100	\$ 100,000
Private Agency	100	\$ 100,000
FTB Court-Ordered Debt	100	\$ 100,000
Other	100	\$ 100,000
Total	500	\$ 500,000

FY 2004-05 Court/County Collections Program Report **Certification and Summary of Year-To-Date Collections**

Select quarter 1st Quarter ▼

Collections by Program							
Row	Revenue and Cost	Court	County	Private Agency	FTB Debt Collection	Combined	
1	Gross Revenue Collected	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000	\$ 1,200,000,000	
2	Less: Cost of Collections (exclusive of PC 1463.007)	\$ (150,000,000)	\$ (150,000,000)	\$ (150,000,000)	\$ (150,000,000)	\$ (600,000,000)	
3	Less: Cost of Collections (pursuant to PC 1463.007)	\$ (60,000,000)	\$ (60,000,000)	\$ (60,000,000)	\$ (60,000,000)	\$ (240,000,000)	
4	Net Revenue	\$ 90,000,000	\$ 90,000,000	\$ 90,000,000	\$ 90,000,000	\$ 360,000,000	
5	Cost of Collections %	70%	70%	70%	70%	70%	
Number of Cases by Case-Type							
	Number of Cases	Non-Traffic Infractions and Misdemeanors	Traffic	Criminal	Civil	Juvenile	Other Combined
6	Beginning Balance (as of July 1, 2004)	205,000	205,000	205,000	205,000	205,000	1,230,000
7	Total # of Cases Opened	160,000	160,000	160,000	160,000	160,000	960,000
8	Less: Total # of Cases Closed	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(1,200,000)
9	Total # of Cases Ending Balance	165,000	165,000	165,000	165,000	165,000	990,000
Value of Cases by Case-Type							
	Value of Cases	Non-Traffic Infractions and Misdemeanors	Traffic	Criminal	Civil	Juvenile	Other Combined
10	Beginning Balance (as of July 1, 2004)	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 2,400,000,000
11	Court Ordered Debt	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000	\$ 200,000,000	\$ 1,200,000,000
12	Less: Total Value of Cases Closed	\$ (200,000,000)	\$ (200,000,000)	\$ (200,000,000)	\$ (200,000,000)	\$ (200,000,000)	\$ (1,200,000,000)
13	Ending Balance - Accounts Receivable	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 400,000,000	\$ 2,400,000,000
	Detail of Value of Cases Closed	Non-Traffic Infractions and Misdemeanors	Traffic	Criminal	Civil	Juvenile	Other Combined
14	Suspensions	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 600,000,000
15	Alternative Resolutions (e.g., work program, jail, etc.)	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 600,000,000
16	Dismissals	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 300,000,000
17	Total Value of Cases Closed	\$ 250,000,000	\$ 250,000,000	\$ 250,000,000	\$ 250,000,000	\$ 250,000,000	\$ 1,500,000,000
18	Variance: Row 12 + Row 17	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 50,000,000	\$ 300,000,000

Certification by Court

In compliance with Penal Code 1463.010, I hereby certify, to the best of my knowledge and belief, that the information provided in this report contains a true statement of all revenues and cases received, disbursed and on hand for the period stated above.

Printed Name _____

Signature _____

Date _____

Title (Court Executive or Presiding Judge) _____

Certification by County

In compliance with Penal Code 1463.010, I hereby certify, to the best of my knowledge and belief, that the information provided in this report contains a true statement of all revenues and cases received, disbursed and on hand for the period stated above.

Printed Name _____

Signature _____

Date _____

Title (County Auditor-Controller or other) _____

Collaborative Court-County Working Group on Enhanced Collections Report

EDUCATION AND TRAINING
SUBCOMMITTEE

TAB E



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE EDUCATION AND TRAINING SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Hon. David Sotelo, <i>Chair</i> , Superior Court of Los Angeles County
	Hon. William W. Pangman, <i>Vice-Chair</i> , Superior Court of Sierra County
	Hon. Douglas P. Miller, Superior Court of Riverside County
	Ms. Inga E. McElyea, Superior Court of Riverside County
	Ms. Nancy Bischoff, County of San Joaquin
	Ms. Vanessa Balinton-White, County of Contra Costa
	Ms. Cynthia Florez-De Lyon, California Youth Authority
	Ms. Joanne Garcia, Department of Corrections
	Ms. Sharon Garcia, California Youth Authority
	Ms. Monica Montanez, California Youth Authority
	Mr. Steven K. Nelson, Superior Court of Orange County
	Mr. Michael Planet, Superior Court of Ventura County
	Ms. Linn Smith San, Joaquin County Office of Revenue & Recovery
	Mr. Curt Soderlund, Superior Court of Sacramento County
AOC Staff	Mr. Rod Cathcart, <i>Lead Staff</i> , Education Division/Center for Judicial Education and Research
	Ms. Claudia Fernandes, Education Division/Center for Judicial Education and Research
	Mr. Ruben Gomez, Finance Division
	Ms. Bonnie Hough, Center for Families, Children & the Courts

Objective of Report

The Education and Training Subcommittee is responsible for developing education and training to implement the work of the Collaborative Court-County Working Group on Enhanced Collections, which has been charged by the Judicial Council with developing a comprehensive and effective statewide collections program. This report contains background and discussion of collections training and education efforts, and outlines some of the education issues to be addressed as this project moves forward and as specific work product is developed by the subcommittees and approved by the working group. The report also recommends a process for developing a successful collections education program that will address the differing needs of judicial officers and court administration/staff.

Background and Discussion

The Education and Training Subcommittee worked with subject matter experts from the other subcommittees to develop the education plans for judicial officers and court staff. The training is being designed to provide education on effective practices and operations in the area of collections.

The subcommittee recognized at the outset of this project that the two primary audiences, judicial officers and court/county administration/staff, have different educational needs. The subcommittee agreed that these differences have an impact on the development and delivery of the educational modules. As a result of these discussions, the subcommittee bifurcated its efforts into administrative and judicial components.

Judicial officers. For judicial officers, the education and training should focus on the imposition of fees, fines, penalties, and assessments and how this increases public respect for the rule of law. Emphasis will also be placed on effective practices for the discretionary aspects of fee waivers, including time payments and partial payments. Judicial officers would also be provided with forms, benchguides, fee charts, and other desk aids as part of their training.

Court/county administration and staff. The primary educational objectives for staff and court/county administration would be focused on the administrative aspects of collections, such as the specific collection models that could be adopted by a court and/or county, guidelines and procedures for collections, the new fee and fine schedules, and relevant software and technology for tracking and generating reports. Each of these areas would need an education plan once the specific work product has been developed by the other subcommittees and approved by the working group and, ultimately, the Judicial Council.

Overview of Collections Training and Education

Administrative Education

Regional workshops should be offered for court/county administration and staff, initially in the three regional offices. The workshops are designed for the court/county teams involved in enhanced collection efforts, each team consisting of a judge (in a leadership position), representative(s) of the court, and representative(s) of the county.

The workshops have the following objectives:

- Understanding of SB 940 and the reporting requirements of each court and county;
- Overview of the types of enhanced collection programs currently in place throughout the state;
- Completion of a court/county action plan for enhanced collections;

- Review and understanding of the court/county annual reporting template and the court/county reporting template that was due in December 2004; and
- Demonstration of a variety of successful collection models. Experts from the courts, counties, and Franchise Tax Board will be available to assist each court/county team as they develop their plan.

Judicial Education

Judge Douglas P. Miller of the Superior Court of Riverside County taught a mandatory one-hour class at the B. E. Witkin California Judicial College (June 16 and 17, 2004). The course, "Restitution, Fees, Fines and Fee Waivers," reviews the legal and factual basis for the imposition of a fee, fine penalty, or assessment by a judge. Emphasis is on the appropriate amount to be imposed, fee waivers, and whether the assessment is discretionary or mandatory. This course will serve as a template for a 2-hour course to be delivered locally by trained judicial faculty, with the following objectives:

- Relating the improved collection of judicial assessments to increased public trust and confidence in the courts and respect for the rule of law;
- Discussing statewide efforts toward enhanced collections;
- Defining fees, fines, penalties, restitution, and other judicial assessments;
- Distinguishing between mandatory and discretionary assessments;
- Discussing the use of late fees (see Veh. Code, § 40310) and augmented fees;
- Evaluating the benefits of increased use of fines as a corrective tool;
- Explaining the criteria for fee waivers and distinguishing between those parties who have the ability to pay and those who do not; and
- Familiarizing bench officers with the fine and fee schedule approved by the task force.

Workshop/Training Goals

1. Identify program participants for the two education tracks:
 - a. The judicial education track was introduced to new judges at the 2004 B. E. Witkin California Judicial College. The next step is training of local court leadership (presiding judges and court executive officers) and training of experienced bench officers, to be delivered regionally and locally by trained judicial faculty.
 - b. The administrative education track is designed for the court/county teams. Each team would include a judge, a court executive officer, a court financial officer, and county representative(s).
2. Design a curriculum for each education track:

- a. Phase I, analysis—examine the tasks, skills, and beliefs necessary for an effective collections program.
 - b. Phase II—determine learning objectives, educational content, resources, and activities. Staff will take the lead with input from subcommittee members.
 - c. Phase III—design a lesson plan with faculty.
3. Select the faculty. Judge Douglas P. Miller was recruited as faculty for the course launched at the 2004 B. E. Witkin Judicial College. Other faculty will be selected to ensure representation of courts of all sizes and regions.
4. Train the trainers. Meet with faculty to do a trial run-through of program. Adjust the design as necessary.
5. Determine the schedule for 2004–2005:
 - a. Judicial training: new judges (B. E. Witkin Judicial College), presiding judges and court executives, and (regionally and locally) experienced bench officers.
 - b. Administrative training: an initial offering of four programs—two in the Northern/Central Region and one in each of the other regions.
6. Evaluate the program and redesign as necessary for subsequent years.

Recommendations

The Education and Training Subcommittee recommends developing ongoing training workshops or modules for:

1. Judicial officers, with emphasis on discretionary and mandatory fines, fees, and assessments; and
2. Court and county staffs, with emphasis on effective practices and SB 940 requirements.

Collaborative Court-County Working Group on Enhanced Collections Report

OPERATIONS SUBCOMMITTEE

TAB F



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE OPERATIONS SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Michael D. Planet, <i>Chair</i> , Superior Court of Ventura County
	Vanessa Balinton-White, County of Contra Costa
	Richard Cabral, Superior Court of Ventura County
	Doug Estes, County of Stanislaus
	Christine Gentry, Superior Court of Sonoma County
	Jody Patel, Superior Court of Sacramento County
	Micki Regan-Silvey, County of Alameda
	David Shaw, California Victim Compensation and Government Claims Board
	Elaine Steidley, Sacramento County Department of Revenue Recovery
	Joy Walton, Alameda County Administrator's Office
AOC Staff	Jeanne Caughell, <i>Lead Staff</i> , Bay Area/Northern Coastal Regional Office
	David Koon, Finance Division

Objective of Report

The Operations Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with identifying the minimum standards, processes, and resources of a “comprehensive” collections program to ensure an appropriate level of performance. The subcommittee recognized that there are a number of very effective but very different collections program models, and has compiled a series of options based on effective practices that the planner of every collections program should take into consideration.

Background and Discussion

The collection of monies owed for fees, fines, forfeitures, penalties, and other court-imposed assessments is a cornerstone of the effective administration of justice. A comprehensive and effective collections program serves to improve the public trust and confidence that are essential to a well-functioning court system. Such a program also generates revenues that are earmarked to support programs and services at both the state and local levels.

The California Penal Code (§ 1463.010) has long recognized that the “enforcement of court orders is recognized as an important element of collections efforts.” In 2003 the California Legislature adopted Senate Bill 940, which expanded section 1463.010 to state: “Prompt, efficient, and effective collection of court ordered fees, fines, forfeitures, penalties and assessments ensures the appropriate respect for court orders.”

While the focus may be on collections performed in the enforcement of court orders for fees, fines, forfeitures, restitutions, penalties, and assessments (beginning with the establishment of the accounts receivable record) and on delinquent account management, an efficient and effective collections program also must include procedures for nondelinquent and installment payments.

It is important to note that, while the bulk of court collections activities involve traffic, misdemeanor, and felony criminal cases, courts also collect a variety of filing fees and other fees associated with civil, family law, and probate/guardianship cases. Statutes and court rules allow waivers and deferral of these fees under certain conditions. A comprehensive collections program provides the vehicle to assess ability to pay and set up payment plans when appropriate.

There are several models for collections programs in the California courts. Some courts have in-house programs that utilize non-trial-court-funded court staff as the primary resource. Some courts have agreements with their counties in which county staff are the primary resource. Other courts contract out their collections to private vendors, and some courts have no programs in place to collect on outstanding fees owed the court.

Many collections programs utilize both in-house programs and private vendors for complex cases. Others utilize the services of the Franchise Tax Board (FTB) and Department of Motor Vehicles (DMV) to support collection efforts. Some court collections programs are hybrids, combining in-house staff with private vendors and the FTB to enhance collections.

Models of Comprehensive Collections Programs

In a recent survey of the California courts, 47 courts reported having some kind of collections program. Four distinct models emerged: (1) in-house court programs, (2) in-house county programs, (3) external programs that use private vendors, and (4) hybrid programs, which combine one of the in-house models with private vendors. This section describes each model and its relative advantages.

In-House Court Programs

Six courts reported having in-house programs, which range from simply sending late notices to comprehensive programs.

These programs generally are staffed and managed by non-trial-court-funded court employees and are centered in courthouses or nearby. They utilize in-house systems (either case management or fiscal systems) to manage their collection cases, and programs that meet the criteria of Penal Code section 1463.007 use the FTB intercept and/or court-ordered debt collection program. Some programs also interface with the DMV to place holds on driver license and

vehicle registration if fees and fines are outstanding. Some courts have entered into agreements with their counties to collect all criminal justice–related fees and fines, including restitution, public defender fees, booking fees, and probation fees. At least one court program also utilizes the services of an outside vendor to collect on cases verging on being uncollectible. In another case, a court agreed to contract with another court to handle its collections.

In-House County Programs

Twelve counties have in-house collections programs. They are centered in the probation department, a central collections unit or department of revenue and recovery, or (in one county) the office of the treasurer/tax collector.

The in-house programs are similar to court programs, with the obvious distinction being that the county employs the collections staff and provides the facilities. Many counties use the Revenue Plus automated collections system; others use county-based systems to manage their collections programs. County programs that meet the criteria of Penal Code section 1463.007 also may contract with the FTB and place DMV holds. At least one county contracts with a private vendor to take certain collection cases.

External or Private-Vendor Programs

Twenty-one courts reported contracting with private vendors to handle their enhanced collections. Seven vendors were identified as having agreements with courts.

Call centers for external programs typically are located away from the courthouse and court facilities. Some vendors provide on-site staffing at court facilities to perform public counter and other processing functions. Because they are not government entities, collections vendors cannot contract with the FTB to participate in the intercept and collections programs.

Hybrid Programs

Seven counties reported collections programs jointly operated and/or managed between the court and the county. These programs are typically governed by a memorandum of understanding or memorandum of agreement, which defines the role and responsibilities of each, as well as how the collections revenues will be split. At least one of these hybrid programs also contracts with an outside vendor for part of its collections cases.

Features of Effective Programs

As mentioned, there are models of very effective collections programs, both court-operated and county-operated, throughout California. This section describes the operational components of, and some of the effective practices associated with, these successful programs.

Start-Up Costs and Funding

Collections programs are not allowable costs under rule 810 of the California Rules of Court; however, much of the cost of operating them can be recovered under Penal Code section 1463.007. In addition, courts may impose a civil assessment under certain circumstances, and can recover the administrative costs of setting up and processing installment payments.

1. **Funding an enhanced comprehensive collections program** Penal Code section 1463.007 allows any county or court to deduct from any collected revenues the costs of operating a comprehensive collections program—with certain exceptions—prior to making any other distribution of those revenues. The code describes 14 components of a comprehensive program. A program must have at least 10 of the 14 to be eligible to deduct these operating costs. (See Appendix A.)
2. **Civil assessments** Penal Code section 1214.1 authorizes the court to impose a civil assessment, in addition to any other fine, if a defendant fails to appear in court or fails to pay.
3. **Recovering the costs for processing installment accounts** Penal Code section 1205 authorizes a fee not to exceed \$30 for the processing of accounts receivable and a fee not to exceed \$35 for installment accounts.
4. **Restitution rebate** Government Code section 13963(f) requires the state to pay a 10 percent rebate to the county probation department or other county agency that is responsible for collection of funds owed the Restitution Fund under Government Code section 13967. This rebate is an incentive for collection efforts and is to be used specifically for furthering those efforts; in particular, the 10 percent rebate funds are not to be used to supplant county funding.
5. **Restitution administration fee** Effective in January 2000, Penal Code section 1202.4(1) allows the levying of an administration fee of up to 10 percent of the state restitution fines ordered paid. The fee can be imposed at the discretion of the board of supervisors in each county. These fees—as opposed to the just-described 10 percent rebate funds for enhanced collection efforts—may be deposited into the county general fund for the use and benefit of the county. This fee may be used to offset the administrative costs associated with collection restitution.

Considerations

1. Each collections program should be designed to have at least 10 of the components of a comprehensive collections program, in order that the costs of operating the program can be recovered pursuant to section 1463.007 of the Penal Code.

2. Each collections program should collect processing fees for all eligible installment payments.
3. Each collections program should seek the approval of the county board of supervisors to impose an administration fee of up to 10 percent of the state restitution fine ordered paid pursuant to Penal Code section 1202.4(1).
4. Each collections program should retain the 10 percent rebate incentive for furthering collection efforts pursuant to Government Code section 13963(f).
5. Penal Code section 1202.4(l) and Government Code section 13963(f) should be amended to state that the administration fee and the rebate incentive go to the entity responsible for collections.

Facilities

Consideration must be given to facility space for any in-house collections program. Courts and/or counties must provide adequate facilities that, at a minimum, meet the need for public access and provide sufficient space and equipment for collectors and support staff.

Standards

1. Where logistically and financially feasible, any court or county in-house collections program should physically be located at or close to the courthouse;
2. In the event that any court or in-house collections program is not close to the courthouse, it is recommended that all pertinent information be gathered from the defendant at the time the case is heard and transmitted to the collections program; and
3. Any in-house collections program should be housed in a facility that will provide for public counters, call centers for collectors, and processing and fiscal support areas.

Case Management/Collections Systems

There are a wide variety of case management/collections systems throughout the California courts and counties. Under the direction of the Administrative Office of the Courts, committees have been established to create a criminal case management system for the California courts that includes a comprehensive collection module. These committees comprise a variety of California court representatives, from executive officers in an oversight committee to line staff in projects to test systems. The first phase is scheduled for implementation in the Superior Court of Alameda County.

An effective collections program requires a system that can do the following (a detailed listing of functional requirements is attached as Appendix B):

1. **Account maintenance**

- a. Allow inquiry-only access to account information for authorized users—e.g., clients, referring departments (courts).
- b. Allow for flexibility to meet the specific needs of the department and to deal with changing legislation and local mandates.
- c. Allow for multiple concurrent sources of income, including employers—e.g., adding or updating employment information.
- d. Support bankruptcy and abatement processes as well as the suspension of incarcerated defendants' accounts.
- e. Allow the user to see personal information such as demographic data, indexes, addresses, telephone numbers, and aliases for the defendant.
- f. Display information on the status of all the cases of a given defendant. This allows the user to look up multiple cases for a defendant in one location.
- g. Display cases in which the defendant has been placed on probation. The probation term, name of the probation officer, probation status, and monthly probation fee amounts can be displayed.
- h. Be able to set specific strategies for the handling of debtors in bankruptcy.
- i. Access account information via the address, docket number, first/last/entity name, social security number, zip code, phone number, or other identifying case number.
- j. Provide screen navigation that allows the operator to access all screens without having to reselect or reenter the account.
- k. Be able to add new accounts with incomplete information, setting a status of "incomplete."
- l. Link co-defendants in such a way that all defendants for a single case can be identified, and joint and several restitution and other charges billed and credited to all liable individuals.

2. **Collections activity and tracking**

- a. Provide for the creation of work lists or work queues that contain groups of accounts based on predetermined selection criteria. Allow the work lists or queues to be prioritized.
- b. Provide for assignment and reassignment of collectors to work queues or work lists both automatically (through predefined assignment criteria) and upon demand (by management or other authorized user).
- c. Provide for user-specified selection criteria to define and prioritize work queues or work lists.
- d. Allow the user to review and record activity on a collection account. Allow the user to set the next activity or activities and next activity date for automatic or manual (collector) follow-up.
- e. Provide interrupt alerts for accounts requiring immediate attention.

- f. Be able to track and document telephone contacts with delinquent debtors to apprise them of their failure to meet payment obligations per Penal Code section 1463.007.
- g. Provide for effective tracking and management of legal collections processes. Ensure that all legal activities are documented to provide a complete audit trail.
- h. Provide for the creation of legal documents, and/or provide for an interface with third-party legal correspondence software.
- i. Record the results of collection attempts and make them available to collectors conducting collection activities, management reports, automated assignment to future activity, and other relevant collection operations. Examples include promises to pay, messages left, and call-backs needed.
- j. Be able to accumulate and report on collector effectiveness at both individual and team levels.
- k. Provide management reporting for evaluating collections and financial statistics—e.g., cost of recovery, time to payment in full, and delinquency rates on pay plans.
- l. Provide at-a-glance information on current collection activities for an account, and prompt the user about the next action to be taken.
- m. Allow for the management of installment payments for all debtor obligations. If payments are not received, the system should generate the appropriate reminder or collection activity—e.g., generate late notices or place in the collector queue for follow-up.
- n. Provide a complete history of all account activity, including charges, payments, correspondence, and direct contacts. This feature should automatically document the date, time, and user for each activity.
- o. Provide for tracking of bankruptcies. Allow for status checks, write-offs or adjustments, and suspension or withdrawal from collection activities (when needed) until the bankruptcy is completed, discharged, or dismissed.

3. **Automated processes**

- a. Allow for the request, retrieval, and updating of information for skip tracing online or via an interface based on user-defined criteria.
- b. Allow for the selection of delinquent accounts and their reporting to major credit bureaus.
- c. Allow for request and retrieval, either online or through the interface of credit reports.
- d. Provide a means of electronic data scrubbing to reduce the expense of correspondence and mail return.
- e. Be able to implement wage and bank account garnishment per Penal Code section 1463.007.
- f. Be able to impose liens on real property and proceeds from the sale of real property held by a title company, per Penal Code section 1463.007.

- g. Allow for the filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings, per Penal Code section 1463.007.
 - h. Link a debtor's demographics to all of his or her obligations; be able to handle obligations separately or as part of group.
 - i. Produce, process, and track liens, garnishments, and other legal documentation.
 - j. Provide a forwarding process to flag and transfer accounts to outside agencies.
 - k. Provide integration to third-party predictive dialers, interactive voice response systems, and/or imaging systems.
 - l. Easily establish processes that control and manage accounts through the entire account life cycle; be able to modify workflows based on user-defined criteria.
 - m. Send unapplied payments to work queues according to the payment source.
 - n. Periodically query for accounts that are small claims candidates, and place them in the queue for review by legal staff.
4. **Calendar.** Allow the user to schedule, modify, or cancel court appearances and financial evaluations with the appropriate security level.
5. **Financial functions**
- a. Allow the user to review the financial information associated with the defendant's case—e.g., payments, checks issued, and joint and several credits.
 - b. Accept credit card payments per Penal Code section 1463.007.
 - c. Accept debit card payments.
 - d. Provide allocation of funds as payments are applied, and be able to generate reports based on the distribution of those funds. Distribute court fines using violation codes.
 - e. Automatically calculate and post the interest on eligible charges on a periodic basis. Interest calculation intervals should be configurable but, at a minimum, must include monthly and quarterly calculations.
 - f. Calculate ability to pay based on the information furnished, and provide the option of automatically adjusting the obligation based on the results of ability calculations.
 - g. Be able to adjust either one-time or recurring charges based on the debtor's established ability to pay.
 - h. Allow, with appropriate security controls and audit trails, adjustments to accounts—e.g., write-offs, compromises, and returned checks.
 - i. For audit trail purposes, reflect each financial transaction as an addition to or subtraction from the account rather than as a change to the amount of a previously entered transaction.
 - j. Provide an option of allocating payments across criminal and civil debts according to a percentage or another allocation mechanism.
 - k. Have cashiering functionality, including payment posting, ability to adjust (such as through write-offs or "returned for nonsufficient funds" checks), and daily balancing of receipts.

- l. Provide for periodic (typically monthly) reconciliation of receipts against account transactions.
- m. Provide for monthly reporting of collection activities back to the referring clients (the courts). Different reporting is mentioned in other functional areas, but this type of reporting is typically an accounting function.
- n. Support trust accounting transactions to record transfer of monies from trust accounts to county treasurers' or other entities' accounts. This is not intended to duplicate general ledger functionality but rather is a summary of monies collected and monies transferred for balancing and creating an audit trail.
- o. Allow for the issuance of refunds for overpayments when those overpayments cannot be applied to charges on other accounts because of restrictions due to the payment source or because there are no outstanding charges.
- p. Prohibit refunds until a specified period (e.g., 35 days) has elapsed from the date the overpayment was posted, unless the payment was made with guaranteed funds.
- q. Prohibit refunds until they are evaluated for appropriateness.
- r. Prohibit the issuance of refunds below a specified dollar amount.

6. **Interfaces**

- a. Per Penal Code section 1463.007:
 - ✓ Request credit reports to assist in locating delinquent debtors, and provide for the reporting of delinquent accounts to major credit bureaus. Include the updating of previously reported accounts as required by financial activity on the accounts;
 - ✓ Have online access to the Employment Development Department (EDD) employment and wage information system, and utilize the EDD automated interface to request EDD data;
 - ✓ Be able to interface with and participate in the FTB's tax intercept program;
 - ✓ Be able to access and use the DMV information to locate delinquent debtors;
 - ✓ Be able to coordinate with county probation departments to locate debtors who may be on formal or informal probation; and
 - ✓ Initiate driver license suspension actions when appropriate.
- b. Provide for automated selection, requesting, and retrieval of National Change of Address information from the U.S. Postal Service.
- c. Be able to interface with the federal Internal Revenue Service (IRS) intercept program for court-ordered food stamp fraud restitution.
- d. Provide for the creation of interfaces for new business, financial transactions, and export to other accounting and reporting systems and work tools—e.g., Excel.
- e. Have an interface tool for reporting unpaid fees, fines, and penalties to the Department of Consumer Affairs for suspension or nonrenewal of professional and business licenses.

- f. Allow for the entry and posting of payments from automated interfaces, including remittance processing, credit cards, IRS, FTB, and State Controller.
- g. Be able to detect and report errors in interface data by generating reports and/or by adding to on-screen error queues.
- h. Allow the debtor to obtain information about accounts via Web query.
- i. Be able to match the court data with the collections data and adjust an obligation based on a court action.

7. Notices

- a. Issue or print a monthly bill statement for every debtor, per Penal Code section 1463.007.
- b. Issue or print warning letters to advise debtors of their outstanding obligations, per Penal Code section 1463.007.
- c. Provide both automatic and manual means of printing correspondence to debtors in multiple languages.
- d. Provide for processing of correspondence that allows for flexible selection of accounts.
- e. Provide for user-defined customized letters and notices. Include the option of outsourcing generation and/or printing of correspondence.
- f. Generate the forms, reports, and other documents required to return accounts to a court for action because of failure to pay or for information if the debtor is deceased or in prison.
- g. Generate forms, reports, and other required documents to return accounts to the court if the debtor submits proof of direct payment to the victim.
- h. Be able to reprint letters on demand.

8. Payment plan

- a. Allow the user to grant extensions to the debtor and set up a payment plan.
- b. Allow collectors to set payment plans with automatic generation of billing notices.
- c. Allow for the establishment of payment plans for a debtor that are not attached to any specific account but rather are defined at the debtor level.
- d. Have a function that calculates a payment term based on an adjusted amount.
- e. Track and limit the number of times a debtor can be placed on payment terms with the ability to override.

9. Statistics reporting

- a. Provide reports as required by Administrative Office of the Courts and other oversight agencies or organizations.
- b. Allow the user to view the status of collections that have been referred to other agencies.
- c. Generate monthly delinquent reports per Penal Code section 1463.007.

- d. Provide reports on collection activities and collection statistics, including but not limited to: collector effectiveness and daily activity by unit, dollar breakdowns of assignments and costs, an account aging, and accounts that have not been worked during the time period specified. Be able to compare payment plans with payments received, establish collector ratios, identify accounts with unmet obligations, and track collector activity.
- e. Readily access database information through third-party reporting software for standard and ad hoc reporting.
- f. Ensure that external collection agencies comply with contractual reporting requirements.
- g. Allow collectors to review their own goals and easily access them at any time during the month.
- h. Provide forecasts for the accounts to be worked and the promised payments that are expected for the time period specified by the user (e.g., 30 days, 90 days).
- i. Include in the "Save to file" options a formatted report and "data only."
- j. Provide for on-demand reprinting of reports on user-selected printers.
- k. Support management tracking reports on the effectiveness of current operations, trend information, process improvement, workload distribution, and productivity.
- l. Calculate aging of collections accounts to determine average times to payment in full, percentage of accounts declared uncollectible, and percentage of accounts sent to FTB.

10. Security

- a. Be able to seal juvenile accounts in response to court orders.
- b. Capture the source of information when updating data.
- c. Provide access levels based on, for example, individual, department, or unit access; type of account; and allowable transactions.
- d. Make data deletions "virtual" or maintain them in an audit log so that all events affecting data can be reconstructed if necessary.

11. Victim restitution

- a. Track the necessary information when a defendant is required to pay restitution to a victim associated with a case.
- b. Recognize and manage obligations that have more than one responsible party. Be able to individually track and correspond with parties that are jointly and severally liable for a debt without inflating the balance of receivables.
- c. Effectively track and distribute payments to victims.
- d. Create work queues for the restitution unit to follow up on criminal victim restitution charges that were unknown at the time the account was created.
- e. Allow for adding victim restitution compensation after the account is initially created—e.g., adding, modifying, or deleting charges to the account.

- f. Allow for multiple victims for restitution orders on the same account—e.g., adding, modifying, or deleting victim information.
- g. Automatically apply joint and several credits to co-offenders' accounts.

Staffing

A trained collections staff is a key component in maintaining an effective collection program. Recommended job descriptions, examples of job responsibilities, and duties follow. Staffing requirements vary with case volume.

1. **Collection manager.** A collection manager's role may include, but is not limited to, the following skills and responsibilities. The manager should:
 - a. Have a thorough knowledge of collection practices.
 - b. Be able to understand, interpret, and explain laws, regulations, and policies governing collection operations.
 - c. Have a working knowledge of court policies and procedures.
 - d. Be able to communicate effectively, both verbally and in writing, with excellent organizational and follow-up skills.
 - e. Direct subordinate staff to meet the objectives of the unit by participating in the selection of staff, implementing training programs, and evaluating the work of subordinates.
 - f. Be able to develop and standardize procedures and forms.
 - g. Evaluate, recommend, and implement organizational changes in the collection process structure, policies, procedures, and work methods.
 - h. Initiate and prepare special studies, statistical reports, and projects.
 - i. Be able to implement legislative policy and procedural changes affecting the unit's operation and to monitor compliance with those changes.
 - j. Work with other court and county staff, outside agencies, and public entities on specific needs and issues.
 - k. Make recommendations for meeting the unit's budgetary and office automation needs.
2. **Collection supervisor (under manager's direction).** The role of the collection supervisor may include, but is not limited to, the following skills and responsibilities. The collection supervisor should:
 - a. Have a knowledge of collection and general fiscal practices and procedures, including standard abbreviations, terminology, and collection work methods and techniques.
 - b. Plan, organize, and supervise the work of the collection staff and review productivity to ensure adequacy and accuracy.
 - c. Be able to understand, interpret, and explain the laws, regulations, and policies governing collection operations and make decisions and independent judgments.
 - d. Prepare routine narrative and statistical reports.

- e. Communicate effectively, both verbally and in writing.
 - f. Be able to manage multiple tasks while meeting goals and deadlines.
 - g. Develop and implement collection unit procedures and work methods, and conduct training and orientation of new and ongoing training for all staff.
 - h. Perform employee performance reviews, analyze and resolve routine personnel matters, and make recommendations to superiors on difficult and complex personnel issues.
3. **Collection officer.** Under general supervision, a collection officer is responsible for the collection of monies owed to the court and other agencies for services rendered and for fines, fees, and victim restitution, and performs related duties as required. Depending on the assignment, the collection officer's role may include but is not limited to the following skills and responsibilities. The collection officer should:
- a. Have a thorough knowledge of the practices utilized in the collection of delinquent accounts receivable, techniques for working with difficult public contacts, determination of financial assets and obligations, regulations and legal procedure applicable to delinquent account collections, and financial interviewing techniques.
 - b. Manage a caseload of collection accounts; establish debtor account records to determine the delinquent balance, evaluate payment history, and verify client information pertinent to the collection of fees and fines (e.g., address, employment, earnings and assets, bank of record); investigate changes in financial status; and establish and implement a course of action to collect monies owed.
 - c. Communicate effectively with people of diverse socioeconomic backgrounds and temperaments, establish and maintain cooperative working relationships, determine the appropriate course of action in an emergency or a stressful situation, understand program objectives in relation to departmental goals and procedures, and demonstrate tact and diplomacy.
 - d. Contact debtors to modify their payment schedules; update case records; or explain legal obligations, penalties for and consequences of nonpayment, and the regulations, rules, or procedures related to payment of the account.
 - e. Locate debtors by contacting relatives, neighbors, and officials and employers of the bank of record or by researching the tax roll, voter registration records, court documents, and other official information source.
 - f. Be able to analyze an account to provide the client with payment and fee/penalty information and to determine the need for payment plan modification or civil and/or criminal legal action.
 - g. Update manual and automated case files; prepare routine correspondence and reports; as necessary, supervise (as lead collector) or provide functional supervision over clerical support staff; and, as necessary, collect and receive money as payment on an account.

Other responsibilities that would be typical for a collection officer are the following:

- h. Retrieve the daily work queue and generate a detailed list of reports on delinquent cases as needed.
 - i. Perform skip tracing and update the collection system as needed.
 - j. Perform financial reviews to determine the client's ability to pay. This process would include analyzing, auditing, evaluating, and verifying financial information provided by the client and making recommendations to the court and/or the probation department.
 - k. For clients who fail to pay, prepare violation of probation requests and requests for DMV holds on driver licenses.
 - l. Prepare supporting documentation for a court appearance, if necessary.
4. **Fiscal processing assistant.** Under general supervision, a fiscal processing assistant is responsible for a full range of clerical duties. Depending on the assignment, the required skills and responsibilities may include, but are not limited to, the following. The fiscal processing assistant should:
- a. Be able to communicate effectively with people of diverse socioeconomic backgrounds and temperaments.
 - b. Have sound accounting skills and abilities and follow generally accepted accounting practices in the handling of all financial transactions, including posting and collecting payments.
 - c. Process mailed and over-the-counter payments.
 - d. Reconcile data or payments posted to an automated case management system with manual reports.
 - e. Perform financial adjustments due to modifications by the court.
 - f. Assist the public, either on the telephone or over the counter.
 - g. Explain court proceedings and establish the initial payment arrangement.
 - h. Prepare and issue abstracts and other official documents on behalf of the court.
 - i. Prepare fiscal reports as required by the policies and procedures of the courts, oversight agencies, and collection agency.

Standards

- 1. Each collections program should have staffing sufficient to support the management, supervision, collector, fiscal, and support functions—which can be tailored to meet the needs of each jurisdiction.
- 2. An in-house collections program should develop a job description for each staff position.

Guidelines and Standards Subcommittee

The Guidelines and Standards Subcommittee provided the Operations Subcommittee with draft reports that provide direction and set the standards for a successful comprehensive collections

program. Following is a list summarizing standards developed by the Guidelines and Standards Subcommittee.

1. **Discharge of accountability.** Adopt guidelines and standards that address the need for sound account management efficiencies, including discharge of accountability for uncollectible court-ordered fees, fines, penalties, and forfeitures. This process involves the removal of monies owed from court records on the basis of established criteria.
2. **Amnesty programs.** A survey and evaluation of experience, benefits, results, and eligibility criteria are needed to explore the establishment of an amnesty program.
3. **Reporting of collections program activity.** Adopt guidelines for periodic joint reporting of the cooperative court-county collections program, and identify standardized measures of the success, performance, and management of a statewide collections program.
4. **Professional and business licenses program.** Evaluate the feasibility of seeking legislation authorizing the Department of Consumer Affairs, upon court order, to suspend or not renew licenses for any holders with unpaid fees, fines, and penalties.
5. **Franchise Tax Board use.** Identify standards for utilizing the FTB's court-ordered debt collection and tax intercept programs.
6. **Policies and procedures.** Ensure that operational policies and procedures are developed, and provide for a statewide manual of operational policies and procedures for the program.
7. **Court-county collaborative plans.** Ensure the establishment of an agreement or plan to implement or enhance a collections program in which the court and county collaborate to collect fees, fines, penalties, and forfeiture monies.
8. **Fee waivers.** Assess the current procedures as they relate to civil fee waiver applications, and establish universal guidelines and standards that comply with the statutory requirements and the California Rules of Court while ensuring access to justice for indigent litigants.

Operations Management

For a collections program to be implemented successfully, its scope and responsibilities must be well defined. Several key areas must be addressed. They are listed below (please note that this list is for guidance only and is not exhaustive):

1. **Types of accounts collected (types of cases).** It is important to identify the types of court or county fees and fines that the collections unit may collect as part of a comprehensive collections program. Possible types include:
 - a. Civil assessments;
 - b. Conservatorship and guardianship;
 - c. Conditional revocable release;
 - d. Court-ordered fees, fines, and forfeitures and any related penalty assessments or surcharges;
 - e. Document or motion filing fees;
 - f. Installment bail forfeiture;
 - g. Juvenile care costs and fees;
 - h. Mediation fees;
 - i. Probation investigation fees;
 - j. Probation supervision fees;
 - k. Public defender and court-appointed counsel fees;
 - l. Victim restitution payments; and
 - m. Work furlough fees.
2. **Caseflow process.** Caseflow processes vary depending on the type of collections model used (in-house or hybrid). Following are some common processes that are present in most comprehensive collection systems:
 - a. Intake/account creation;
 - b. Ability-to-pay evaluation (see further discussion below);
 - c. Payment plan creation;
 - d. Statement, notice, and correspondence generation;
 - e. Payment receipt;
 - f. Financial adjustments—e.g., fee waivers, amnesty programs, and civil assessments;
 - g. Delinquent account collection activities:
 - ✓ Telephone contact,
 - ✓ Written notification,
 - ✓ Pending for FTB court-ordered collections unit and FTB tax intercept program,
 - ✓ Processing of DMV hold requests on driver licenses,
 - ✓ Enforcement of wage garnishments and bank levies, and
 - ✓ Notifying the probation officer of failure to pay;
 - h. Skip tracing;
 - i. Account auditing;
 - j. Bankruptcy procedures;
 - l. Discharge of accountability procedures; and
 - m. Victim restitution payment distribution.
3. **Account management.** Accounts are generally managed through an automated workflow process in the collections software. The best practice for gauging the effectiveness

of the collections process is the establishment of workflow targets or goals. Workflow standards may include both a monthly minimum dollar amount of collections to be processed and a daily number of processed cases. Many factors should be considered in the establishment of these standards, including the experience level required for the collections position, the types of accounts being collected, the collection tools available to employees, the size of the collections unit, workload, physical location, and local resources.

4. **Financial screening to determine ability to pay.** A key component of any collections strategy is to properly distinguish between individuals who have the ability to pay and those who do not. The ability to pay is pivotal in the process of establishing any payment plan, as well as in making recommendations to the court and probation department concerning qualifications for fee or fine waivers.

In implementing an ability-to-pay process, the collections program staff or designated employees should consider:

- a. Requiring that requests for fee waivers be submitted in person, with limited exceptions.
- b. Determining the “poverty level” based on the cost of living for the jurisdiction.
- c. Specifying the type or types of photo identification needed to confirm the identity of the person requesting the fee waiver.
- d. Identifying the types of documents that the collection officer will need to determine the defendant’s ability to pay (e.g., General Assistance or Supplemental Security Income documents).
- e. Determining the level of evaluation and auditing to be conducted on the basis of the documents submitted.
- f. Having procedures in place to accommodate partial fee waivers.
- g. Implementing procedures to ensure that financial evaluations are expedited to meet any established statutory time frames.
- h. Ensure that procedures are in place to evaluate “changed circumstances” during the life of an approved fee waiver.

Effective Practices

1. A comprehensive collections program should include all court-ordered fees and fines, plus their related penalty assessments and surcharges; filing fees in civil, family law, and probate/guardianship cases; and other criminal justice–related fees, including restitution, public defender fees, and probation fees.

2. A comprehensive collections program should include workflow metrics to gauge the efficiency of the caseload processes and resources in the collections program.
3. An effective collections program should include financial screening to assess the “ability to pay” prior to granting fee/fine waivers or the creation of payment plans. “Effective practices” also require that the financial evaluation process include an evaluation of “changed circumstances” during the life of an approved fee/fine waiver or payment plan.

Recommendations

The Operations Subcommittee recommends:

1. Approval of the operational components of a comprehensive collections program.
2. Develop and review a proposal that may allow wage and bank account garnishment activities by formal written notification rather than the writ process.
3. Development of a policies and procedures manual using the operations standards as a template.

Appendix A

Penal Code section 1463.007

Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect delinquent fines and forfeitures, with or without a warrant having been issued against the alleged violator, if the base fines and forfeitures are delinquent, may deduct and deposit in the county treasury or in the trial court operations fund the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. Any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program. This section applies to costs incurred by a court or a county on or after June 30, 1997, and prior to the implementation of a time payments agreement, and shall supersede any prior law to the contrary. This section does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.
- (j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.
- (k) The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.
- (l) Coordination with the probation department to locate debtors who may be on formal or informal probation.
- (m) The initiation of drivers' license suspension actions where appropriate.
- (n) The capability to accept credit card payments.

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
Account Maintenance		
	Allow inquiry-only access to account information for authorized users, e.g. client, referring departments (courts).	<i>Required</i>
	Allow for flexibility to meet the specific needs of your department and to deal with changing legislation and local mandates	<i>Required</i>
	Allows for multiple concurrent sources of income including employers, e.g. adding or updating employment information	<i>Recommended</i>
	Support bankruptcy and abatement processes as well as the suspension of incarcerated defendant's accounts.	<i>Recommended</i>
	Allow the user to see personal information such as demographic, indices, addresses, telephone numbers and aliases for the defendant	<i>Required</i>
	Display information on the status of all of the defendant's cases. This allows the user to look up multiple cases for a defendant in one location	<i>Required</i>
	Display cases where the defendant has been placed on Probation. Probation term, name of probation officer, probation status, and monthly probation fee amounts can be displayed.	<i>Recommended</i>
	Ability to set specific strategies for the handling of debtors in bankruptcy.	<i>Recommended</i>
	Access account information via address, docket #, first/last/entity name, SSN, Zip Code, Phone, or other identifying case number	<i>Required</i>
	Screen navigation should allow for the operator to jump from a current screen to any other commonly used screens without having to back up a menu tree and come down another path without having to reselect the account.	<i>Recommended</i>
	Ability to add new accounts with incomplete information and setting a status of "incomplete".	<i>Recommended</i>
	Co-defendants must be linked in such a way that all defendants for single case can be identified and joint and several restitution and other charges billed and credited to all liable individuals	<i>Recommended</i>
Collections Activity & Tracking		
	Provide for creation of work lists or work queues that contain groups of accounts based on pre-determined selection criteria. Allow work lists/queues to be prioritized	<i>Required</i>
	Provide for assignment and reassignment of collectors to work queues or work lists both automatically (pre-defined assignment criteria) and upon demand (management or other authorized user).	<i>Required</i>

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Provide for user-specified selection criteria to define and prioritize work queues or work lists	<i>Required</i>
	Allow the user to review and to record activity on a collection account. Allow the user to set next activitie(s) and next activity date for automatic or manual (collector) follow up.	Required
	Provide interrupt alerts for accounts requiring immediate attention.	Recommended
	Have the ability to track and document telephone contacts with delinquent debtors to apprise them of their failure to meet payment obligations per PC § 1463.007	Required
	Provide for effective tracking and management of legal collections processes. All legal activities are documented to provide a complete audit trail	Required
	Provide for creation of legal documents and/or provide for interface to third-party legal correspondence software	Required
	Record results of collection attempts and make available to collectors conducting collection activities, management reports, automated assignment to future activity, and other relevant collection operations. Examples include promises to pay, messages left, call backs needed.	Required
	Provide ability to accumulate and report on collector effectiveness at individual and team level.	Recommended
	Provide management reporting for evaluating collections and financial statistics (cost of recovery, time to PIF, delinquency rates on pay plans, etc)	Recommended
	Provides at-a-glance information on current collection activities for an account and prompts the user about the next action to be taken	Enhancement
	Allows for management of installment payments for all debtor obligations. If payments are not received, the system should generate the appropriate reminder/collection activity (e.g. generate late notices, place in collector queue for follow up).	Required
	Provide a complete account history of all account activity including charges, payments, correspondence, direct contacts, etc. This feature should automatically document date, time, and user for each activity	Required
	Provide for tracking of bankruptcies. Allow for status check, "write offs" or adjustments, suspension or withdrawal from collection activities where needed until bankruptcy is completed, discharged, dismissed, etc.	Recommended
<i>Automated Processes</i>		
	Allow for the request, retrieval and updating of information for skip tracing on-line or via interface based upon user defined criteria.	Recommended

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Allow for the selection and reporting of delinquent accounts to major credit bureaus.	Recommended
	Allow for the request and retrieval either on-line or through interface of credit reports.	Recommended
	Provide a means for electronic data scrubbing to reduce correspondence/mail return expense	Enhancement
	Have the ability to implement wage and bank account garnishment activities per PC § 1463.007	Required
	Have the ability to impose liens on real property and proceeds from the sale of real property held by title company per PC § 1463.007.	Recommended
	Allow for the filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings per PC § 1463.007.	Recommended
	Link debtor demographics to all his/her obligations. Provide ability to handle obligations separately or as part of group.	Required
	Produce, process, and track liens, garnishments, and other legal documentation.	Required
	Provide a forwarding process to flag and transfer accounts to outside agencies.	Required
	Provide integration to third-party predictive dialers, IVR systems, and/or imaging systems	Required
	Easily establish processes that control and manage accounts through the entire account life cycle. The workflows can be modified based upon user defined criteria.	Required
	Send unapplied payments to work queues according to payment source	Recommended
	Periodically query for accounts that are small-claims candidates and place in queue for review by Legal Staff	Enhancement
Calendar		
	Allows the user to schedule, modify or cancel court appearances and financial evaluations with the appropriate security level.	Enhancement
Financial		
	Allow the user to review the financial information associated with the defendant's case (e.g. payments, checks issued, and joint and several credits, etc).	Required
	Accept credit card payments per PC § 1463.007	Required
	Accept debit card payments.	Required
	Provide allocation of funds as payments are applied and to be able to generate reports based on the distribution of those funds. Distribute court fines using violation codes.	Required
	Automatically calculate and post interest on eligible charges on a periodic basis. Interest calculation intervals should be configurable, but at a minimum must include monthly and quarterly.	Required

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Calculation of ability to pay based on provided information and option to automatically adjust obligation based on results of ability calculations.	Recommended
	Ability to adjust either one-time or recurring charges based on debtors established ability to pay.	Required
	Allow, with appropriate security controls and audit trails, adjustments to accounts (e.g. write offs, compromises, etc.), returned checks, etc.	Required
	Financial transactions must be reflected as an addition or subtraction from the account rather than a change to the amount of a previously entered transaction for audit trail purposes.	Required
	The system must provide an option to allocate payments across criminal and civil debts according to a percentage or other allocation mechanism.	Recommended
	Cashiering functionality is required, including payment posting, ability to adjust (write-offs, NSF checks, etc.), and daily balancing of receipts	Required
	Periodic reconciliation (typically monthly) of receipts against account transactions is required.	Required
	Monthly reporting of collections activities back to referring clients (the courts). Different reporting is mentioned in other functional areas, but this type of reporting is typically an accounting function.	Required
	Support of trust accounting transactions to record transfer of monies from trust accounts to county treasurers or other entities' accounts. This should not be intended to duplicate General Ledger functionality, rather a summary of monies collected and monies transferred for balancing and audit trail	Required
	Allow for the issuance of refunds when overpayments cannot be applied to charges on other accounts because of restriction due to payment source or there are no outstanding charges remaining.	Required
	Refunds are not eligible for processing until a specified (e.g. 35 days) after the overpayment was posted unless the payment was made with guaranteed funds.	Required
	Refunds could not be issued until evaluated for appropriateness	Required
	Prohibit the issuance of refunds below a specified dollar amount.	Required
Interfaces		
	Request credit reports to assist in locating delinquent debtors per PC § 1463.007 and provide for reporting of delinquent accounts to major credit bureaus. Include updating previously reported accounts as required by financial activity on accounts.	Recommended

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Have on-line access to the Employment Development Department employment and wage information system per PC § 1463.007 and utilize EDD automated interface to request EDD data.	Recommended
	Include the ability to interface with and participate in the Franchise Tax Board's tax intercept program per PC § 1463.007	Recommended
	Include the ability to access and use the Department of Motor Vehicle's information to locate delinquent debtors per PC § 1463.007.	Recommended
	Have the ability to coordinate with the county probation departments to locate debtors who may be on formal or informal probation per PC § 1463.007	Recommended
	Have the ability to initiate drivers license suspension actions where appropriate per PC § 1463.007	Recommended
	Automated selection, requesting, and retrieval of National Change of Address Information form the USPS	Recommended
	Ability to interface with the Federal IRS Intercept program for court ordered food stamp fraud restitution.	Recommended
	Provide for the creation of interfaces for new business, financial transactions and export to other accounting and reporting systems and work tools (i.e. Excel)	Enhancement
	Provide an interface tool for reporting unpaid fees, fines, and penalties to the Department of Consumer Affairs for suspension or non-renewal of professional and business licenses.	Enhancement
	Allow for the entry and posting of payments from automated interfaces including remittance processing, credit cards, COD, IRS, FTB, State Controller and Social Services tax intercepts.	Required
	Detecting and reporting errors in interface data either by generating reports and/or adding to on-screen error queues.	Required
	Allow the debtor/client to obtain information about accounts via web query.	Enhancement
	Ability to match the court data with the collections data and adjust obligation based upon court action	Required
Notices		
	Issue/print monthly bill statements to all debtors per PC § 1463.007	Required
	Issue/print warning letters to advise delinquent debtors of an outstanding obligation per PC § 1463.007	Required
	Provide both an automatic and manual way of printing correspondence to be sent to customers in multiple languages.	Required

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Provide a process for processing correspondence that allows for flexible selection of accounts.	Required
	Provide for user-defined customized letters and notices. Include option to outsource correspondence to third-party generation and/or printing.	Enhancement
	Generate forms, reports and other documents required to return accounts to court for action because of failure to pay or for information if the debtors is deceased, in prison, etc.	Required
	Generate forms, reports and other required documents to returns accounts to court if debtor submits proof of direct payment to the victim.	Required
	Ability to reprint letters on demand.	Required
Payment Plan		
	Allows the user to grant extensions to the defendant and set up a payment plan.	Required
	Allow collectors to set payment plans with automatic generation of billing notices.	Required
	Allow for establishing payment plans for a debtor that are not attached to any specific account but rather defined at the debtor level.	Required
	Include a "what-if" function that allows calculation of a payment term based on a re-set amount.	Enhancement
	Track and limit the number of times a debtor can be placed on payment terms with the ability override.	Recommended
Reporting Statistics		
	Provide reports as required by Administrative Office of the Courts and other oversight agencies/organizations	Required
	Allow the user to view the status of collections that have been referred to other agencies.	Enhancement
	Generate monthly delinquent reports per PC § 1463.007	Required
	Provide collection activities and collection statistics reports, including, but not limited to, collector effectiveness and daily activity by unit; dollar breakdowns of assignments and costs; an account aging; and accounts that have not been worked during the time period specified. Also should provide ability to compare payment plans with payments received, establish collector ratios, identify accounts with unmet obligations and track collector activity.	Required
	Readily access database information for standard and ad hoc reporting purposes through via third-party reporting software.	Recommended
	Ensure external collection agencies comply with contractual reporting requirements	Required

Appendix B

Operations Subcommittee Collection System Requirements

Functional Area	Requirement Description	Priority
	Collectors are able to review their own goals and easily access them at any time during the month.	Enhancement
	Provide forecasts for accounts to be worked and the promised payments which are expected for time periods specified by the user (e.g. 30 days, 90 days)	Recommended
	Reports "save to file" options should include the options of a formatted report or data only.	Recommended
	Reports should be reprintable upon demand to user selected printers.	Required
	Support management tracking reports on the effectiveness of current operations, trend information, process improvement targets, workload distribution, and measure productivity.	Recommended
	Aging of collections accounts to determine averages times to PIF, percentage of accounts declared uncollectable, percentage of accounts sent to COD, etc.	Required
Security		
	Ability to seal juvenile accounts in response to court orders	Required
	Capture the source of information when updating data	Required
	Access levels based on individual, department or unit access, type of account, allowable transactions, etc.	Required
	Data deletions should be "virtual" or maintained in an audit log so that all events impacting data can be reconstructed if necessary.	Required
Victim Restitution		
	Tracks the necessary information when a defendant is required to pay restitution to a victim associated with a case.	Required
	Recognizes and manages obligations which have more than one responsible party. Parties that are jointly and severally liable for a debt can receive individual correspondence and tracking without inflating the balance of your receivables.	Recommended
	Effectively track and distribute payments to victims.	Enhancement
	Create work queues for the Restitution unit to follow up on criminal victim restitution charges that were unknown at time of account creation.	Enhancement
	Allow for adding Victim Restitution Compensation after the account is initially created, e.g. adding, modifying or deleting charges to the account	Required
	Allow for multiple Victims for Restitution Orders on the same account, e.g. adding, modifying or deleting of victim information	Required
	Automatically apply joint and several credits to co-offenders' accounts.	Required

Collaborative Court-County Working Group on Enhanced Collections Report

RFP SUBCOMMITTEE

TAB G



ADMINISTRATIVE OFFICE
OF THE COURTS

REPORT OF THE STATEWIDE REQUEST FOR PROPOSALS SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004

Members	Christine M. Hansen, <i>Chair</i> , Director of Finance, Administrative Office of the Courts Robert Bradley, Superior Court of San Diego County Elizabeth Howard, California State Association of Counties Mary Lawrence, Franchise Tax Board Rubin Lopez, California State Association of Counties Sherman Moore, Superior Court of Sacramento County Fred Plane, County of Kern Robert Sherman, Superior Court of Ventura County Kiri S. Torre, Superior Court of Santa Clara County Chuck Wagner, County of Tuolumne Joy Walton, Alameda County Administrator's Office
AOC Staff	Grant Walker, <i>Lead Staff</i> , Business Services Unit John Judnick, Internal Audit Unit Monica Lee, Business Services Unit

Objectives of Report

The Statewide Request for Proposals Subcommittee of the Collaborative Court-County Working Group on Enhanced Collections was charged with developing a statewide request for proposals (RFP) for outsourcing the collection of court ordered-debt and for hard-to-collect cases that are about to be discharged. As part of that charge, the subcommittee is to periodically submit a report that provides an update on the status of the RFP process and identifies any issues that have arisen since the last report, as well as offers recommendations.

Background and Discussion

1. During its March 4, 2004, meeting, the working group agreed that the scope of services for the RFP should be expanded to include collection of court-ordered debt for accounts other than hard-to-collect cases.
2. The RFP was posted on April 30, 2004, on the California Courts Web site at www.courtinfo.ca.gov/reference/rfp/cscscod.htm.
3. Also on April 30, 2004, a notice of the RFP was posted on the Department of General Services' California State Contracts Registry, referencing the documents on the California Courts Web site.

4. The California State Association of Counties, the Court Executives Advisory Committee, and the Collaborative Court-County Working Group on Enhanced Collections were notified of the posting on April 30, 2004.
5. Individuals and firms that had already contacted the Administrative Office of the Courts (AOC), members of the Statewide Request for Proposals Subcommittee, and other members of the working group were notified of the posting on April 30, 2004.
6. Both the Association of Credit and Collection Professionals and the California Association of Collectors were notified of the posting on May 3, 2004.
7. Five addenda were issued during the solicitation period to clarify and/or modify the requirements of the RFP.
8. Nineteen firms (represented by 31 individuals) participated in the June 2, 2004, pre-proposal conference.
9. Proposals were due on July 27, 2004.

Findings

Twelve proposals were received on July 27, 2004.

Recommendations

The Statewide Request for Proposal Subcommittee recommends

1. The subcommittee continues with the evaluation of the proposals and submits to the Executive Director of the AOC, a list of potential vendors for the courts and counties to consider when outsourcing court ordered debt.

For information about the RFP or to request a copy of the RFP, please contact Grant Walker at grant.walker@jud.ca.gov or visit the California Courts Web site at www.courtinfo.ca.gov/reference/rfp/cscscod.htm.

Collaborative Court-County Working Group on Enhanced Collections Report

STANDARD FINE SCHEDULE
SUBCOMMITTEE

TAB H



ADMINISTRATIVE OFFICE
OF THE COURTS

**REPORT OF THE STANDARD FINE SCHEDULE SUBCOMMITTEE
of the Collaborative Court-County Working Group on Enhanced Collections
August 5, 2004**

Members Hon. William W. Pangman, *Chair*, Superior Court of Sierra County
Jackie Davenport, Superior Court of El Dorado County
Rebekah Peake, Superior Court of Santa Barbara County
Kim Pedersen, Superior Court of Sacramento County
Sandra Silva, Superior Court of Fresno County
Bob Stonehouse, State Controller's Office
Mark Willman, Superior Court of Los Angeles County

Former Members

Larry Jackson, Superior Court of Los Angeles County
Jeffrey Meyer, County of El Dorado

AOC Staff Ruben Gomez, *Lead Staff*, Finance Division
Bonnie Hough, Center for Families, Children & the Courts
Frank Tang, Finance Division
Courtney Tucker, Office of the General Counsel
Mark Yuan, Information Services Division

Objective of Report

The Standard Fine Schedule subcommittee of the Collaborative Court-County Working Group on Enhanced Collections has been charged with developing a system to assist judicial officers in rapidly determining the appropriate fines, penalties, assessments, surcharges, and fees (herein known as "fines and fees") in criminal cases.

Background and Discussion

To the knowledge of the subcommittee, currently there is no single source of criminal penalty information. A judicial officer usually does not have time during the sentencing process to refer to multiple documents in order to ensure that all of the required sentencing parameters—particularly those that include applicable fines and fees—are met. The largest fine revenue pool comes out of the high-volume criminal courts. In these settings judicial officers and clerks are faced with a sea of humanity, and unless the judicial officer has immediate access to the appropriate fines and fees to be levied, they will not be ordered.

The subcommittee recognized that the Administrative Office of the Courts (AOC) publishes two very good criminal-fine-related reference works: the *Uniform Bail and Penalty Schedules*, which is approved by the Judicial Council annually (Cal. Rules of Court, rule 4.103), and the *Sentencing Guidelines of Common Misdemeanors and Infractions* (Benchguide 74). They are not

integrated, however, and so both must be consulted (for which there usually is not time). Additionally, neither contains all the required sentencing information, and they are limited in their scope.

Proper imposition of fines and fees involves a variety of charges—some mandatory, some not. Upon payment, the monies are to be sent to different agencies. Some require a percentage enhancement in certain situations. Without a listing of the elements of the fines and fees, it is extremely difficult to determine how the assessed fines and fees should be distributed. Furthermore, because of the complexity of the fine assessment process, some judicial officers skip the imposition of a base fine “other than the restitution fund fine” altogether, leading to the suggestion that, like the restitution fund fine, some minimum base fine be authorized through the Judicial Council’s rule 4.102 authority.

Unless the judicial officer has immediate access to the appropriate fines and fees to be levied, it is likely that they will not be ordered. The subcommittee is recommending computer-based applications for judicial officers and court clerks with all necessary fines-and-fees sentencing information available at the “click of a mouse,” together with some interim solutions.

The subcommittee has reviewed fine schedules from many California courts and recognizes that a large amount of time must go into reviewing and updating those fine schedules for each of the courts. Some charts do not seem to be updated, and others appear to have diverging interpretations of law. A statewide approach would save a significant amount of time for the courts and reduce the possibility of error. It would provide information on fines and fees, how they are established, and how they should be distributed. The judicial officer could then exercise judicial discretion regarding the nonmandatory portions of the fines and fees, and the clerks can know how to distribute them.

Software Application-AOC staff has already developed the initial Bench Officers’ Criminal Fine, Penalty, and Fee Chart and will update the statewide aspects of the charts and database as needed. Updates for local statutes and ordinances will be the responsibility of the affected courts. A copy of the business requirements for the Access™ database solution immediately follows this report. Initial consultant costs are estimated at less than \$100,000.

To address the problem, the subcommittee recommends the development of a software application that, within the Senate Bill 940 parameters, would provide judicial officers and court staff with high-speed access to mandatory and discretionary criminal fines and fees data. The subcommittee recommends a phased approach. **Phase I** would be the early distribution of fines and fees data for the most common crimes in an Excel™ spreadsheet “chart” format.

Phase II would be the creation of a relational database, containing substantially the same data but in a more “user friendly” format. The judicial officer would type in the code section number

of a violation (or a brief description of the offense). A screen would come up indicating the total applicable fines and fees, with a breakdown showing how the total was computed. The application would provide the judicial officer with the ability to change the base fine and have the total recalculated automatically. The easier it is to determine and charge appropriate fines and fees for judicial officers, the more likely it is that courts will collect those amounts. Additionally, each applicable fine, penalty, assessment, surcharge, or fee will be hypertext-linked to the specific statutory or administrative provisions for easy review and printout if desired.

Phase III would involve expanding the data to include all crimes. **Phase IV** and beyond would be referred to the Criminal Law Advisory Committee of the Judicial Counsel for inclusion of all criminal sentencing issues, including incarceration term options, mandatory and discretionary probation conditions, and capability to generate sentencing and probation orders, which would be output to the case management dockets and accounting modules for incorporation into the developing statewide case management system.

As utility increases through further development, the likelihood of the consistent and broad use of the software application by judicial officers will greatly contribute to the consistent application of appropriate and statutorily required criminal fines and fees.

Alternative Actions Considered

The Judicial Council could choose to continue the current practice of each court's developing its own fines and fees chart. This would save time for the AOC but would require each court to spend a tremendous amount of time finding and interpreting the statutes. It would also maintain the current variation in fine and fee schedules throughout the state.

The council could decide not to provide an electronic version of the spreadsheet, and focus only upon a written book for judicial officers. However, that would make updating more problematic and potentially take longer for judicial officers to find the information they need. Bench officers would also not have the ability to calculate fine and fee amounts that deviate from the printed amounts.

Comments From Interested Parties

This proposal was discussed with the Judicial Council's Traffic Advisory Committee and received a positive response. The council's Criminal Law Advisory Committee reviewed a draft of the Bench Officers' Criminal Fine, Penalty, and Fee Chart "fine application" and approved the concept. The proposal was also discussed at the Cow County Institute and the "anecdotal evidence" is positive. The subcommittee believes it will be important to distribute and train court staff and judicial officers on the initial Bench Officers' Criminal Fine, Penalty, and Fee Chart and get broad feedback on how to develop the more extensive software program.

Recommendations

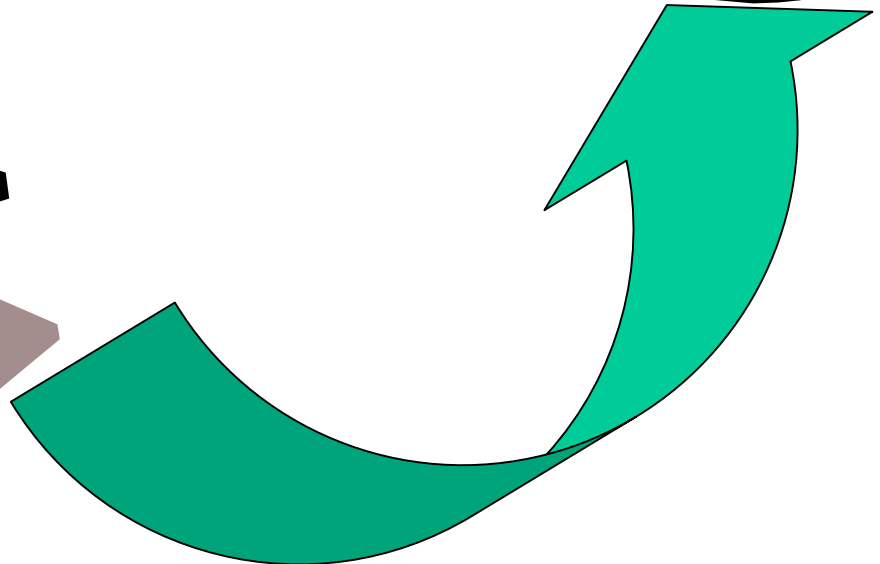
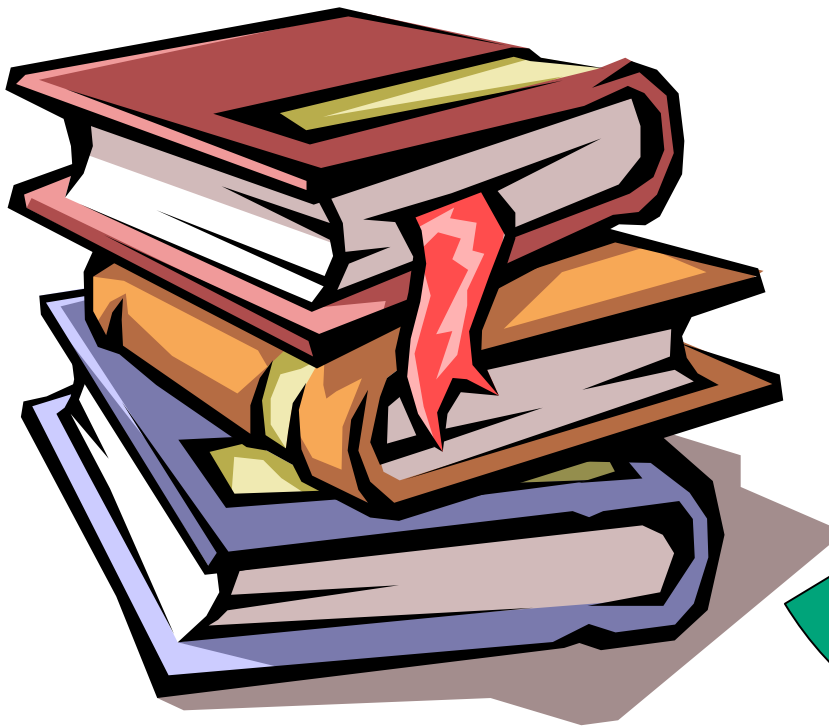
The Standard Fine Schedule Subcommittee recommends

1. Publishing in hard copy and electronic (Excel) forms and issuing to each court by AOC staff a Bench Officers Criminal Fine, Penalty, and Fee Chart—an amalgamation of the best available reference sheets regarding common crimes—as an interim solution (Phase I). (See the attached sample screen views of the draft electronic chart.)
2. The development by the AOC of a relational database of standardized fines and fees, referred to as the Judicial Fine Guideline Application (JFGA), for use by judicial officers and court clerks (Phase II). The JFGA would consist of essentially the same data available in Phase I but in a far more “user friendly” computer environment, and more easily maintained with both statewide and local data options. The parallel translation of the charts into an Access database, adding “screen dump” and other capabilities, is to be developed and provided to the courts through varied media such as CD/DVDs and Serranus. To the extent possible, Phase II needs to incorporate the complete *Uniform Bail and Penalty Schedules*. This application, as further developed, may be integrated into the developing California Case Management System. The latter activity is beyond the scope of the SB 940 charge but would enhance utilization and thus more consistent levying of appropriate and mandated fines and fees. (See the attached business requirements.)
3. The expansion of the database by the AOC to include all crimes and increased functionality (Phase III).
4. The development of a training module by the AOC’s Education Division/Center for Judicial Education and Research (CJER) to make judicial officers and court staff aware of the interim solution and software and to provide hands-on training. It is recommended that this item be referred to the SB 940 Education Subcommittee and to the Education Division/CJER.
5. Coordination and collaboration with the Criminal Law Advisory Committee for the consideration of setting suggested minimum base fines for offenses not listed in the *Uniform Bail and Penalty Schedules* where one is not otherwise set in statute. In the *Uniform Bail and Penalty Schedules* (adopted by the Judicial Council under rule 4.102), the standard or recommended base fine is typically set at between 10 percent and 30 percent of the maximum fine. For example, base fines not otherwise set might be recommended at \$50 for infractions, \$100 for misdemeanors, and \$200 for felonies. Other levels, if any, should be set on the basis of the severity of the crime.

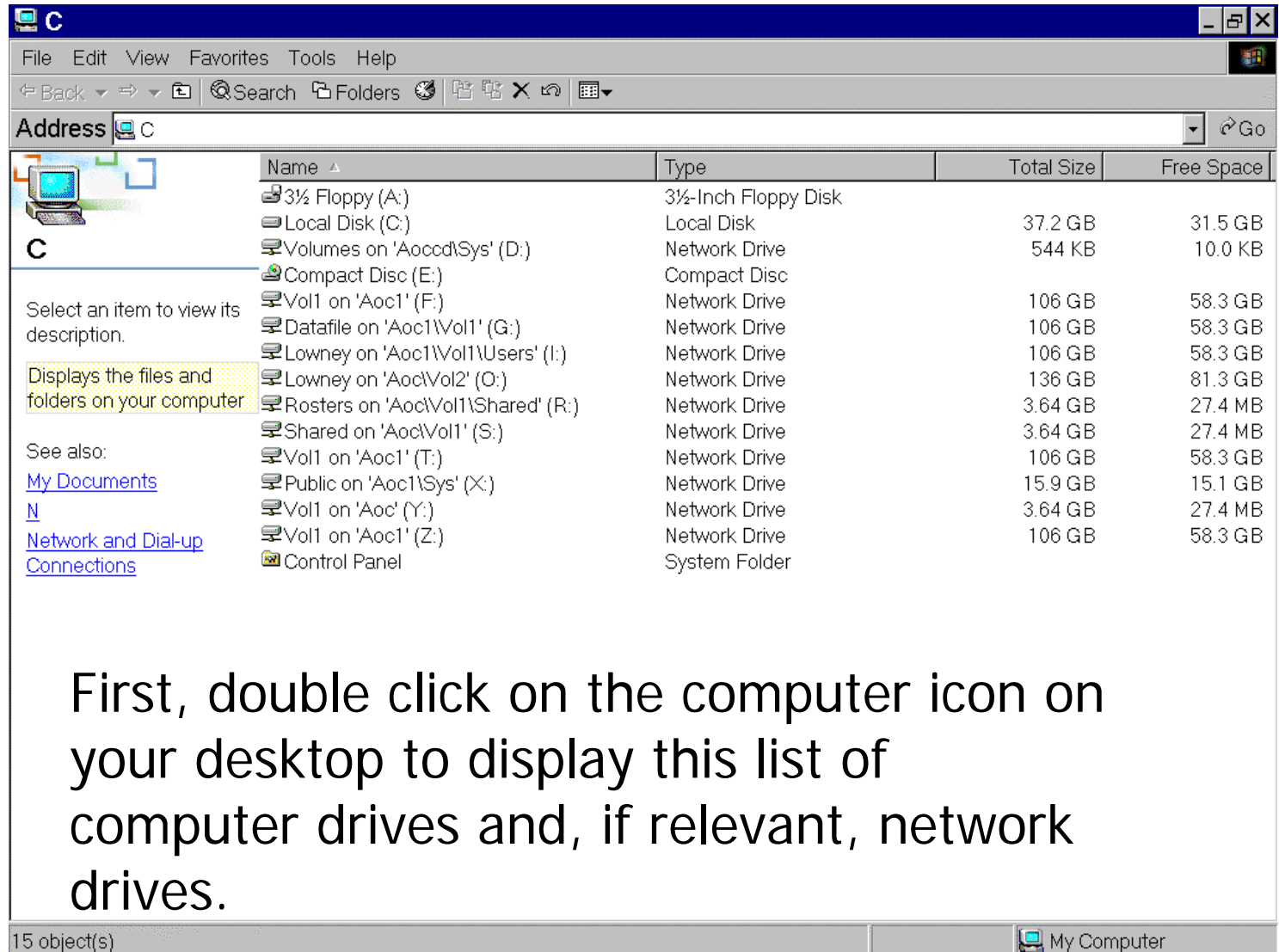
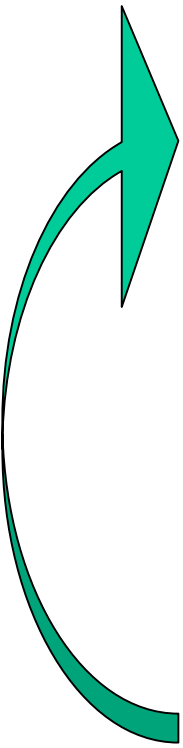
Attachments

- A. Sample screen views of Criminal Fine, Penalty, and Fee Chart application with explanations of the content and electronic functionality (draft—an Excel workbook) (Phase I)
- B. *Business Requirements for an Access-Based Computer Application Providing Crime Fine Data for Judicial Officers and Court Staff* (Phase II)

Bench Officer's Fine, Penalty, and Fee Chart



There are many ways to access the Fine, Penalty, and Fee program on your computer. Here is a suggested procedure.

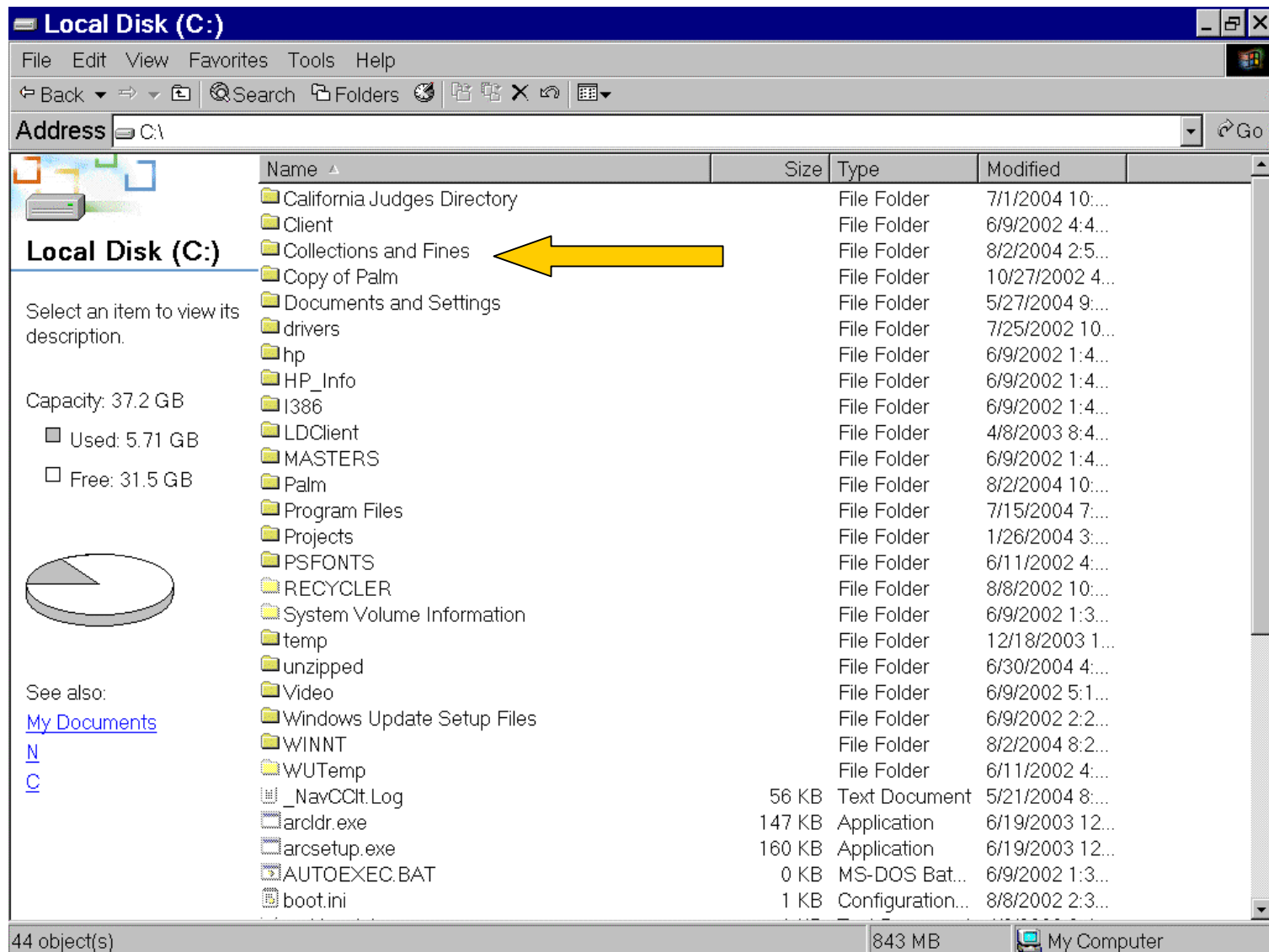


The screenshot shows the 'My Computer' window in Windows. The left pane displays a computer icon with the letter 'C' and a description: 'Select an item to view its description. Displays the files and folders on your computer.' Below this are links for 'My Documents', 'N', and 'Network and Dial-up Connections'. The right pane shows a table of drives and network locations.

Name	Type	Total Size	Free Space
3½ Floppy (A:)	3½-Inch Floppy Disk		
Local Disk (C:)	Local Disk	37.2 GB	31.5 GB
Volumes on 'Aoccd\Sys' (D:)	Network Drive	544 KB	10.0 KB
Compact Disc (E:)	Compact Disc		
Vol1 on 'Aoc1' (F:)	Network Drive	106 GB	58.3 GB
Datafile on 'Aoc1\Vol1' (G:)	Network Drive	106 GB	58.3 GB
Lowney on 'Aoc1\Vol1\Users' (I:)	Network Drive	106 GB	58.3 GB
Lowney on 'Aoc1\Vol2' (O:)	Network Drive	136 GB	81.3 GB
Rosters on 'Aoc1\Vol1\Shared' (R:)	Network Drive	3.64 GB	27.4 MB
Shared on 'Aoc1\Vol1' (S:)	Network Drive	3.64 GB	27.4 MB
Vol1 on 'Aoc1' (T:)	Network Drive	106 GB	58.3 GB
Public on 'Aoc1\Sys' (X:)	Network Drive	15.9 GB	15.1 GB
Vol1 on 'Aoc' (Y:)	Network Drive	3.64 GB	27.4 MB
Vol1 on 'Aoc1' (Z:)	Network Drive	106 GB	58.3 GB
Control Panel	System Folder		

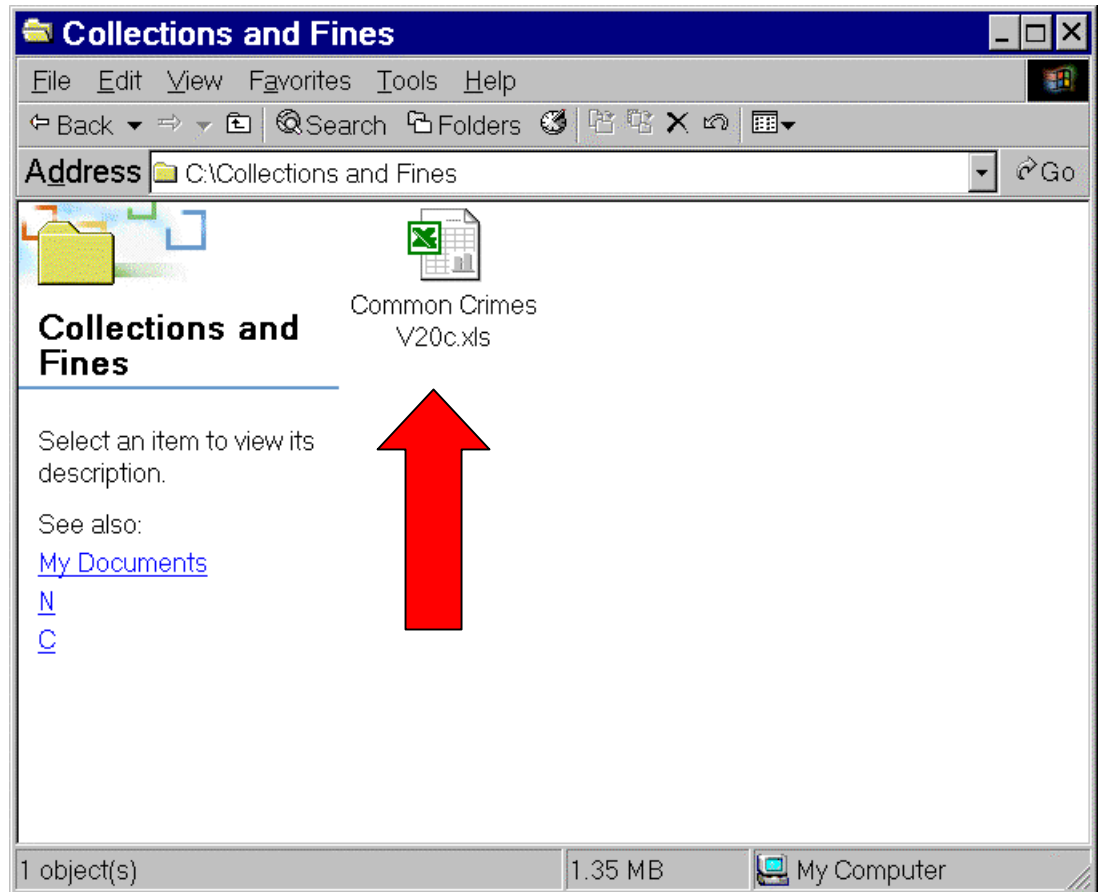
15 object(s) My Computer

First, double click on the computer icon on your desktop to display this list of computer drives and, if relevant, network drives.

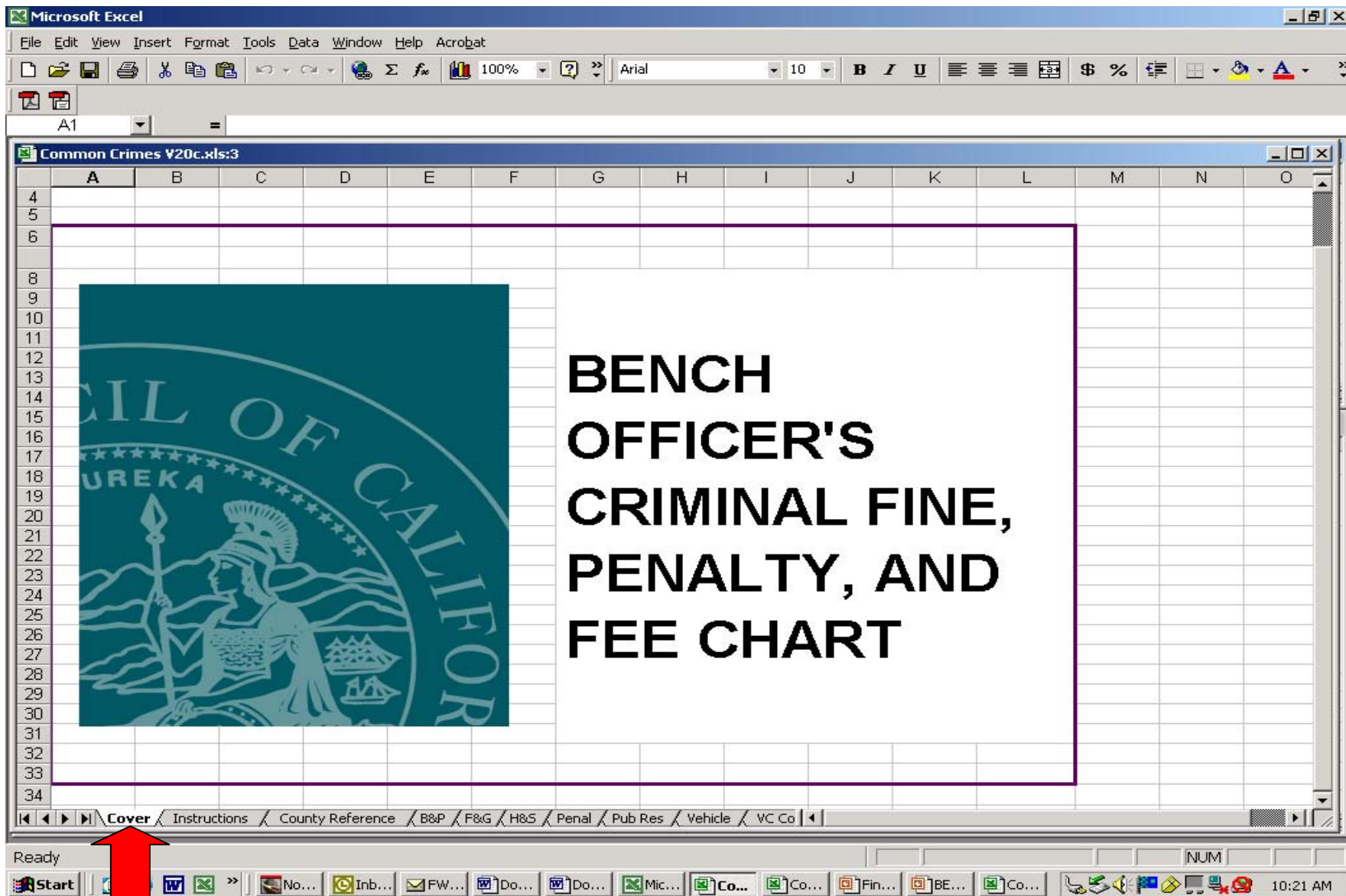


Then, double click on the folder containing the fines program.

Now, execute the program by double clicking on the icon



SELECTED SCREEN VIEWS OF THE PC APPLICATION FOLLOW WITH EXPLANATIONS OF THE CONTENT AND ELECTRONIC FUNCTIONALITY



FINE, PENALTY, AND FEE WORKBOOK INSTRUCTIONS

Microsoft Excel

File Edit View Insert Format Tools Data Window Help Acrobat

B1 = FINE, PENALTY, AND FEE WORKBOOK

Common Crimes V20c.xls

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	FINE, PENALTY, AND FEE WORKBOOK															
2	1	General Format and Function of Electronic Document														
3		The turquoise columns contain information on arraignment advisements of the maximum fines that may be imposed.														
4		The yellow column total is the sum of all charges which result from the discretionary input in the tan columns plus all other fine, fee, and penalty cells. (Do not input data in the yellow column - it calculates automatically.)														
5		The tan columns may be set up for each court as a specific fine amount, plus restitution; accounts receivable, if applicable; booking, if applicable; and Own Recognizance Screening, if applicable. A bench officer may enter any amount in the applicable fine and restitution fund range authorized by statute (discretion is preserved). To restore the preset data, either click on the Undo arrow icon or close the document without saving changes.														
6		The white columns on the right side of worksheets automatically calculate the charges that apply when fines are imposed (through tan column input).														
7		The olive column on the right side of the Vehicle Code worksheet provides the amount of the additional 50 % late penalty under VC 40310 that is calculated on the initial penalty and is due if the initial traffic penalty is not paid within 20 days following mailing of a notice that the penalty has been assessed.														
8		Base fine amounts that appear in blue ink represent fine amounts specified by the Judicial Council's Uniform Bail and Penalty Schedule.														
9		Positioning the cursor over the small red markers in the upper left corner of a cell reveals relevant statutory information for a specific code section.														
10	2	Revising Formulas for Court Facility Construction Penalty and Certain Other Assessment and Fee Amounts														
11		Cell B2 of the County Reference chart specifies the maximum court facility construction penalty amount of \$5 for every \$10 of the base fine. The amount in cell B2 is linked to a purple cell in appropriate worksheets. When the \$5 amount in cell B2 is replaced with the applicable amount listed in the County Reference chart for a specific county, all corresponding worksheet formulas will calculate using the amount that applies to the particular county.														
12		Cell C2 of the County Reference chart is set for the maximum restitution surcharge of 10 percent. When a different amount is substituted in Cell B3 of the County Reference chart, the corresponding purple cell of all worksheets will calculate using the new amount.														
13		Cell D2 of the County Reference chart is set with the maximum restitution fund fine surcharge of 10 percent. When a different amount is substituted in Cell B4 of the County Reference chart, the corresponding purple cell of all worksheets will calculate using the new amount.														
14		Cells E2, G2, I2, K2, M2, and O2 of the County Reference chart contain default amounts for fees and assessments for court assistance programs (CAPs), night court, alcohol testing, accounts receivable for installment payments, alcohol program assessment, and blood testing. When a different amount is substituted in one of these cells, the corresponding purple cell of all worksheets will calculate using the new amount.														
15	3	Searching For Code Sections														
16		It is possible to search all tables to locate a specific code section by taking the following steps: First, press the Shift key and right click the mouse on each tab to highlight the entire workbook. Second, right click on the Edit button on the tool bar and then right click on Find in the Edit Menu. Third, type the section number in the "Find What" space in the Find Window. In order to search properly, select "Search: By Rows" and "Look in: Formulas" with the "Match case" and "Find entire cells only" checkboxes unchecked. Warning: Any changes made to a cell while the entire workbook is highlighted will affect that same cell in all worksheets. To restore the preset data, either click on the Undo arrow icon or close the document without saving changes.														

Microsoft PowerPoint - [B...]

Common Crimes V20c....

9:26 PM

FINE, PENALTY, AND FEE WORKBOOK INSTRUCTIONS

The screenshot shows the Microsoft Excel application window with the 'Common Crimes V20c.xls' workbook open. The 'Instructions' tab is selected, displaying a table of contents for the workbook. The table lists six sections, each with a row number and a description. A red arrow points to the 'Instructions' tab in the bottom sheet list.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
17	4	Calculating Specific Fines and Penalties														
18		The boxed area outlined in red at the top of each worksheet allows users to experiment with fine ranges for each type of offense. For the Business and Professions, Fish and Game, and Public Resources Code tabs, a suggested minimum fine is preset according to the Judicial Council's Uniform Bail and Penalty Schedules. The Vehicle Code tab specifies the fine set by the Uniform Bail and Penalty Schedules under Vehicle Code section 40310 for traffic offenses. This feature provides an easy mechanism to determine the actual fine and surcharges imposed for any fine amount. There are also tabs that provide incremental breakouts of fines and corresponding penalties, assessments, and fees for infractions, misdemeanors, and felonies.														
19	5	Calculating Amounts for Multiple Offenses and Traffic Violator School Fee														
20		When multiple offenses are involved, use the calculator tab to add the individual fines together and calculate the penalties and surcharge on the total fine for all offenses in a case. Pen. Code section 1464(b). The proper state, county, court facility penalty, and surcharge amount can also be determined by inserting the total fine amount into the base fine test input cell. There is a separate calculator for computing a traffic violator school (TVS) fee.														
21	6	Printing Data for Single or Multiple Offenses in Individual Cases														
22		It is possible to create a printout of charges for single or multiple offenses in individual cases. If the offenses are all in the same code tab, click on the row number for each relevant offense while pressing the control key to highlight data for each offense. In the File menu, select Print and in the "Print What" section of the print Window click on "Selection" and then click OK. Repeat the same steps for each tab and relevant section.														
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The bottom sheet list shows the following tabs: Cover, Instructions, County Reference, B&P, F&G, H&S, Penal, Pub Res, Vehicle, VC Construction, TVS Fee, VC Overweight, W&I, and Calculatc. A red arrow points to the 'Instructions' tab.

The taskbar at the bottom shows the Start button, several application icons, and the taskbar itself with the following open applications: Microsoft PowerPoint - [B..., Common Crimes V20c.... The system clock shows 9:14 PM.

1. GENERAL FORMAT AND FUNCTION OF ELECTRONIC DOCUMENT

The turquoise columns contain information on arraignment advisements of the code section and maximum fines that may be imposed.

Microsoft Excel

File Edit View Insert Format Tools Data Window Help Acrobat

O21

= 50

Common Crimes V20c.xls

CRIMINAL FINE, PENALTY, AND FEE CHART (DRAFT)

	CHARGE				FINE RANGE		TOTAL	SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES														
	VEHICLE CODE SECTION	LEVEL (Misd / Inf)	OFFENSE	Correctable VC40303.5 Point Count VC12810	MIN FINE	MAX FINE	Footnotes	Single Offense Suggested Local Total	Base Fine (Court Input) PC 1263b and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(1)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction P.A. GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB 1759 (Per Case)	Alcohol Abuse Prevention P.A. PC 1463.25, VC 23645	Alcohol Testing P.A. PC 1463.14(b)	Alcohol and Drug Program P.A. VC 23649	Night Court VC 42006	Restitution Interest PC 1214.5 (a)	Restitution Surcharge PC 1203.1(f)	Restitution Fund Fine Surcharge PC 1202.4 (f)	Offense Specific Fees & Penalties	Additional Late Charge VC 40310
								TOTAL	FINE		RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	APF	FBT					NTE	NTE	
													25														
													35.00	10	10/10	7/10	5.00	20%	20	50	50	100	1	0	0.10	0.10	50%
8	Test input area →	I	Unlisted Infraction			100	1	21.00						0	0	0.00	0.00	20	0	0	0	1	0	0	0	0.00	
9		M	Unlisted Misdemeanor			1,000	2	422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50	
10		F	Unlisted Felony		1,000	10,000		266.00	0.00		200		25	0	0	0.00	0.00	20				0	1	0	20	-	
17		M	Standard Misdemeanor	N	0	1,000		422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50	
19	31	M	False Information			1,000		422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50	
20	2800.1	M	Evading a Police Officer			1,000		422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50	
21	2800.2	M	Evading—Reckless			1,000		326.00	50.00		100		25	50	35	25.00	10.00	20	0	0	0	1	0	0	10	80.00	
22	2800.2	F	Evading—Reckless		1,000	10,000		946.00	200.00		200		25	200	140	100.00	40.00	20				0	1	0	0	320.00	
23	4000	(a)(1) I	No Evid. Of Current Registration	Y 0		250	3	191.00	50.00		0		0	50	35	25.00	10.00	20	0	0	0	1	0	0	0	80.00	
24	4462.5	M	False Evidence of Registration			1,000		422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50	
25	5200	I	License Plate Not Displayed			100		117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0	45.50	
			Commercial Vehicle With Gross Vehicle				4																				

Cover

Instructions

County Reference

B&P

F&G

H&S

Penal

Pub Res

Vehicle

VC Construction

TVS Fee

VC Overweight

W&I

Calculate

Start

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Common Crimes V20c....

9:29 PM

The yellow column total is the sum of all charges which result from the discretionary input in the tan columns plus all other fine, fee, and penalty cells. (Do not input data in the yellow column - it calculates automatically.)

Microsoft Excel

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The tan columns may be set up for each court as a specific fine amount, plus restitution; accounts receivable, if applicable; booking, if applicable; and Own Recognizance Screening, if applicable. A bench officer may enter any amount in the applicable fine and restitution fund range authorized by statute (discretion is preserved). To restore the preset data, either click on the Undo arrow icon or close the document without saving changes.

Microsoft Excel

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O21

150

91% Arial 8 B I U

The white columns on the right side of worksheets automatically calculate the charges that apply when fines are imposed (through tan column input).

[illegible]

Base fine amounts that appear in blue ink represent fine amounts specified by the Judicial Council's Uniform Bail and Penalty Schedule. Positioning the cursor over the small red markers in the upper left corner of a cell reveals relevant statutory information for a specific code section.

Microsoft Excel

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M23 =

Common Crimes V20c.xls

CRIMINAL FINE, PENALTY, AND FEE CHART (DRAFT)

CHARGE	LEVEL (Misc Infr)	OFFENSE	Correctable VC 40303.5 Point Count VC 12810	MIN FINE	MAX FINE	Footnotes	TOTAL	SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES													
VEHICLE CODE SECTION							Single Offense Suggested Local Total	Base Fine (Court Input) PC 1263b and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(1)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction PA GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB 1753 (Per Case)	Alcohol Abuse Prevention PA PC 1463.25, VC 23845	Alcohol Testing PA PC 1463.14(b)	Alcohol and Drug Program PA VC 23849	Night Court VC 42006	Restitution Interest PC 1214.5 (a)	Restitution Surcharge PC 1203.1(f)	Restitution Fund Fine Surcharge PC 1202.4 (f)	Offense Specific Fees & Penalties	Additional Late Charge VC 40310
							TOTAL	FINE	RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	APF	FBT								
												25														
											35.00	10	10/10	7/10	5.00	20%	20	50	50	100	1	0	0.10	0.10		50%
Test input area →	I	Unlisted Infraction			100	J	21.00						0	0	0.00	0.00	20	0	0	0	1	0	0	0		0.00
	M	Unlisted Misdemeanor			1,000	2	422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10		125.50
	F	Unlisted Felony			1,000		266.00	0.00		200		25	0	0	0.00	0.00	20				0	1	0	20		-
	M	Standard Misdemeanor	N		0		422.00					25	80	56	40.00	15.00	20	0	0	0	1	0	0	10		125.50
	31	False Information			1,000		422.00					25	80	56	40.00	15.00	20	0	0	0	1	0	0	10		125.50
2800.1	M	Evading a Police Officer			1,000		422.00					25	80	56	40.00	15.00	20	0	0	0	1	0	0	10		125.50
2800.2	M	Evading—Reckless			1,000		700.00					25	160	112	80.00	32.00	20	0	0	0	1	0	0	10		256.00
2800.2	F	Evading—Reckless No Evid. Of Current Registration	Y	0	1,000		946.00	200.00		200		25	200	140	100.00	40.00	20				0	1	0	20		320.00
4000	(a)(1)	False Evidence of Registration			250	3	191.00	50.00				0	50	35	25.00	10.00	20	0	0	0	1	0	0	0		80.00
4462.5	M	License Plate Not Displayed			1,000		422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10		125.50
5200	I	Commercial Vehicle With Gross Vehicle			100	4	117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0		45.50

\$50 minimum fine set by VC 42001.8. (See VC 40152 regarding proof for adjudication.)

Start

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Common Crimes V20c...

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COUNTY REFERENCE

Microsoft Excel

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A2 = If County Amounts Are Different From Those Listed in This Row, Insert the Applicable Amount to Recalculate All Tables:

Common Crimes V20c.xls

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1		Court Facility Construction PA GC 70372 SB 1732	Restitution Surcharge PC 1203.1 (l)	Restitution Fund Fine Surcharge PC 1202.4 (l)	Court Assistance Program Fee VC 11205(m)		Night Court VC 42006		Alcohol Testing VC 1463.14(b)		Accounts Receivable Fee PC 1205(d)		Alcohol Abuse Prevention PA PC1463.25 VC 23645		Alcohol and Drug Program PA VC23649					
2	If County Amounts Are Different From Those Listed in This Row, Insert the Applicable Amount to Recalculate All Tables:	5.00	0.1	0.1	5.00		1		50.00		35.00		50.00		100.00					
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
11																				
12																				
13																				
14																				
15																				
16																				
17																				
18																				

COURT FACILITY CONSTRUCTION PENALTY ASSESSMENT AMOUNT													
Alameda	3.00	Glenn*	2.00	Marin	3.00	Placer	2.75	San Mateo	2.75	Sutter	1.00		
Alpine	3.00	Humboldt	3.00	Mariposa	0.00	Plumas	3.00	Santa Barbara	1.50	Tehama	5.00		
Amador	3.00	Imperial	4.00	Mendocino	5.00	Riverside	2.60	Santa Clara	3.50	Trinity	2.26		
Butte*	5.00	Inyo	2.00	Merced	3.00	Sacramento	3.00	Santa Cruz	5.00	Tulare	3.00		
Calaveras	1.00	Kern	5.00	Modoc	2.00	San Benito	3.00	Shasta	1.50	Tuolumne	3.00		
Colusa	4.00	Kings	5.00	Mono	3.00	San Bernardino	3.00	Sierra	5.00	Ventura	3.00		
Contra Costa	3.00	Lake	5.00	Monterey	3.00	San Diego	3.00	Siskiyou	3.00	Yolo	5.00		
Del Norte	3.00	Lassen	0.00	Napa	1.00	San Francisco	4.99	Solano	3.00	Yuba	1.00		
El Dorado	3.00	Los Angeles	3.00	Nevada	3.00	San Joaquin	1.75	Sonoma	3.00				
Fresno	5.00	Madera	2.50	Orange	1.50	San Luis Obispo*	3.00	Stanislaus	3.00				

*Penalty amount adopted by county board of supervisors' resolution differs from amount indicated by GC 70375(b) and 76000.

Cover / Instructions / County Reference / B&P / F&G / H&S / Penal / Pub Res / Vehicle / VC Construction / TVS Fee / VC Overweight / W&I / Calculat

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2. REVISING FORMULAS FOR COURT FACILITY CONSTRUCTION PENALTY AND CERTAIN OTHER ASSESSMENT AND FEE AMOUNTS

Cell B2 of the County Reference chart specifies the maximum court facility construction penalty amount of \$5 for every \$10 of the base fine. The amount in cell B2 is linked to a purple cell in each worksheet. When the \$5 amount in cell B2 is replaced with the applicable amount listed in the County Reference chart for a specific county, all worksheets will calculate using the amount that applies to the particular count.

Microsoft Excel

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S3 Booking or Citation Processing Fee PC 1463.07

Common Crimes V20c.xls:1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
1		Court Facility Construction PA GC 70372 SB 1732	Restitution Surcharge PC 1203.1 (l)	Restitution Fund Fine Surcharge PC 1202.4 (l)	Court Assistance Program Fee VC 11205(m)	Night Court VC 42006			Alcohol Testing VC 1463.14(b)		Accounts Receivable Fee PC 1205(d)		Alcohol Abuse Prevention PA PC1463.25 VC 23645		Alcohol and Drug Program PA VC23649								
2	If County Amounts Are Different From Those Listed in This Row, Insert the Applicable Amount to Recalculate All Tables:	3.00	0.1	0.1	5.00	1			50.00		35.00		50.00		100.00								

Common Crimes V20c.xls:2

	A	B	C	D	H	I	J	K	M	N	O	P	Q	R	S	T	U	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI
1	CRIMINAL FINE, PENALTY, AND FEE CHART (DRAFT)																												
2	CHARGE				FINE RANGE		TOTAL	SUBJECT TO LOCAL DETERMINATION				ADDITIONAL FEES, PENALTIES, AND SURCHARGES																	
3	VEHICLE CODE SECTION	LEVEL (Misc / hr)	OFFENSE	Connectable VC40303.5 Point Count VC12810	MIN FINE	MAX FINE	Footnotes Single Offense Suggested Local Total	Base Fine (Court Input) PC 12636 and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(1)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction PA GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB 755 (Per Case)	Alcohol Abuse Prevention PA PC 1463.25, VC 23645	Alcohol Testing PA PC 1463.14(b)	Alcohol and Drug Program PA VC 23649	Night Court VC 42006	Restitution Interest PC 1214.5 (a)	Restitution Surcharge PC 1203.1 (l)	Restitution Fund Fine Surcharge PC 1202.4 (l)	Offense Specific Fees & Penalties	Additional Late Charge VC 40310			
4							TOTAL	FINE	RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	APF	FBT											
5												25																	
6												35.00	10	0	3.00	20%	20	50	50	100	1	0	0.10	0.10		50%			
23	4000 (a)(1) I	No Evid. Of Current Registration	Y	0	250		181.00	50.00		0		0	50	35	15.00	10.00	20	0	0	0	1	0	0	0	0		75.00		

Start

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Common Crimes V20c.xls:1

Common Crimes V20c....

9:51 PM

Cells C2, D2, E2, G2, I2, K2, M2, and O2 of the County Reference chart contain default amounts for fees and assessments for restitution surcharges, court assistance programs (CAPs), night court, alcohol testing, accounts receivable for installment payments, alcohol program assessment, and blood testing. When a different amount is substituted in one of these cells, the corresponding purple cell of all worksheets will reference or calculate using the new amount.

Microsoft Excel

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B2

= 2.26

Common Crimes V20c.xls:1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
1		Court Facility Construction PA GC 70372 SB 1732	Restitution Surcharge PC 1203.1 (I)	Restitution Fund Fine Surcharge PC 1202.4 (I)	Court Assistance Program Fee VC 11205(m)	Night Court VC 42006	Alcohol Testing VC 1463.14(b)	Accounts Receivable Fee PC 1205(d)	Alcohol Abuse Prevention PA PC1463.25 VC 23645	Alcohol and Drug Program PA VC23649														
2	If County Amounts Are Different From Those Listed in This Row, Insert the Applicable Amount to Recalculate All Tables:	2.26	0.05	0.05	5.00	0	25.00	20.00	40.00	75.00														

Common Crimes V20c.xls:2

	A	B	C	D	H	I	J	K	M	N	O	P	Q	R	S	T	U	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ
1	CRIMINAL FINE, PENALTY, AND FEE CHART (DRAFT)																													
2	CHARGE					FINE RANGE			TOTAL	SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES															
3	VEHICLE CODE SECTION	LEVEL (Mid/Inf)	OFFENSE	Coronerable VC40303.5 Point Court VC12810	MIN FINE	MAX FINE	Footnotes	Single Offense Suggested Local Total	Base Fine (Court Input) PC 12639 and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(I)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction PA GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB1759 (Per Case)	Alcohol Abuse Prevention PA PC 1463.25, VC 23645	Alcohol Testing PA PC1463.14(b)	Alcohol and Drug Program PA VC 23649	Night Court VC 42006	Restitution Interest PC 1214.5 (a)	Restitution Surcharge PC 1203.1 (I)	Restitution Fund Fine Surcharge PC 1202.4 (I)	Offense Specific Fees & Penalties	Additional Late Charge VC 40310			
4								TOTAL	FINE	RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	APF	FBI							NTE	NTE			
5																														
6																														
23	4000 (a)(1) I	No Evid. Of Current Registration	Y 0		250	3		176.30	50.00	0	0	0	0	50	35	11.30	10.00	20	0	0	0	0	0	0	0	0.05	0.05		50%	73.15

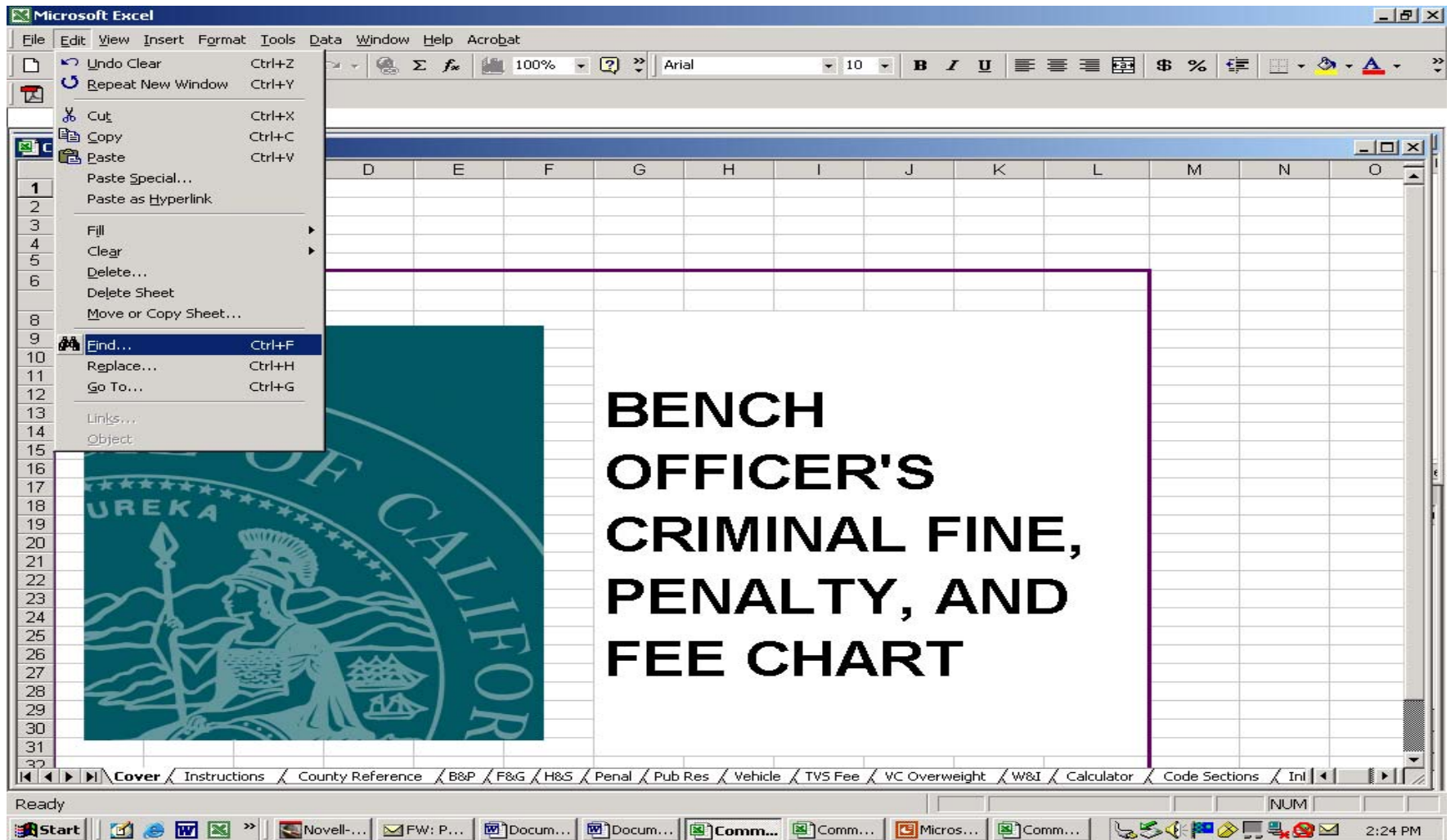
Common Crimes V20c.xls:2

Common Crimes V20c.xls:2

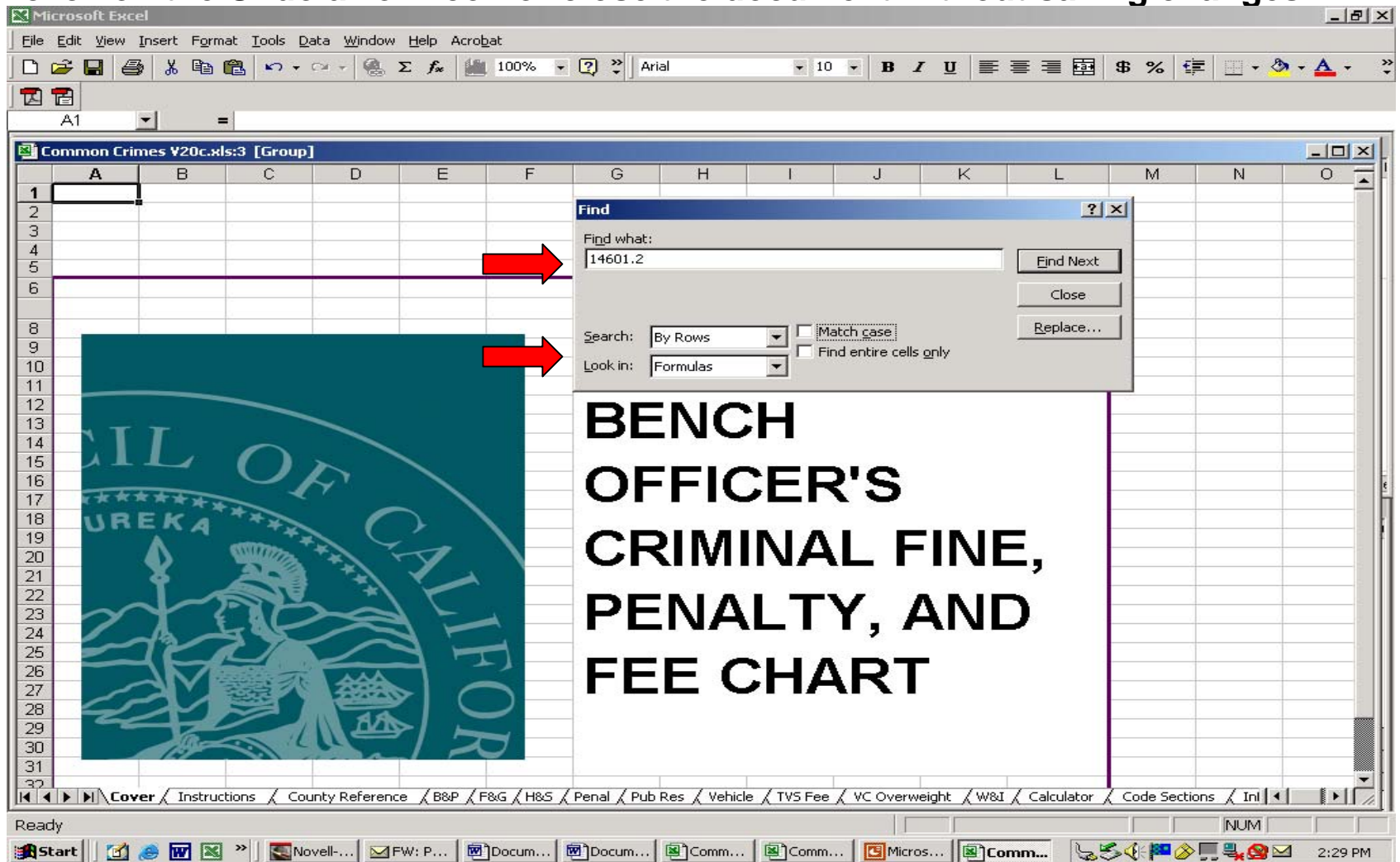
10:09 PM

3. SEARCHING FOR CODE SECTIONS

It is possible to search all tables to locate a specific code section by taking the following steps: First, press the Shift key and right click the mouse on each tab to highlight the entire workbook. Second, right click on the Edit button on the tool bar and then right click on Find in the Edit Menu.



Third, type the section number in the "Find What" space in the Find Window. In order to search properly, select "Search: By Rows" and "Look in: Formulas" with the "Match case" and "Find entire cells only" checkboxes unchecked. **Warning:** Any changes made to a cell while the entire workbook is highlighted will affect that same cell in all worksheets. To restore the preset data, either click on the Undo arrow icon or close the document without saving changes.



4. CALCULATING SPECIFIC FINES AND PENALTIES

The boxed area outlined in red at the top of each worksheet allows users to experiment with fine ranges for each type of offense. For the Business and Professions, Fish and Game, and Public Resources Code tabs, a suggested minimum fine is preset according to the Judicial Council's Uniform Bail and Penalty Schedules. The Vehicle Code tab specifies the fine set by the Uniform Bail and Penalty Schedules under Vehicle Code section 40310 for traffic offenses.

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Comment 15

Common Crimes V20c.xls

CRIMINAL FINE, PENALTY, AND FEE CHART (DRAFT)

VEHICLE CODE SECTION		LEVEL (Misd./Inf.)	OFFENSE	Correctable VC 40303.5	Point Count VC 12810	MIN FINE	MAX FINE	Footnotes	TOTAL	SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES														
									Single Offense Suggested Local Total	Base Fine (Court Input) PC 12839 and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(1)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction PA GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB 1759 (Per Case)	Alcohol Abuse Prevention PA PC 1463.25, VC 23845	Alcohol Testing PA PC 1463.14(b)	Alcohol and Drug Program PA VC 23849	Night Court VC 42006	Restitution Interest PC 1204.5 (a)	Restitution Surcharge PC 1203.1(i)	Restitution Fund Fine Surcharge PC 1202.4 (i)	Offense Specific Fees & Penalties	Additional Late Charge VC 40310	
									TOTAL	FINE	RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	APF	FBT					NTE	NTE			
													35.00	10	10/10	7/10	5.00	20%	20	50	50	100	1	0	0.10	0.10			50%
Test input area →	I	Unlisted Infraction				100	1	1	361.00	100.00					100	70	50.00	20.00	20	0	0	0	1	0	0	0	160.00		
	M	Unlisted Misdemeanor				1,000	2	2	422.00	75.00		100		25	80	56	40.00	15.00	20	0	0	0	1	0	0	10	125.50		
	F	Unlisted Felony			1,000	10,000			266.00	0.00		200		25	0	0	0.00	0.00	20	0	0	0	1	0	0	20	-		
	I	Bike Infraction				100			117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0	45.50		
	I	Pedestrian Infraction	N	0	0	50			117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0	45.50		
	I	Reg./ Equip. Infraction (Correctable)	Y	0-1	0	100			117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0	45.50		
	I	Regis./ Equip. Infraction (Non-correctable)	N	0-1	0	100			117.00	25.00		0		0	30	21	15.00	5.00	20	0	0	0	1	0	0	0	45.50		
	I	Lic./ Rules of Road Infraction (Correctable)	Y	0-2	0	100			151.00	35.00		0		0	40	28	20.00	7.00	20	0	0	0	1	0	0	0	61.50		
	I	Lic./Rules of Road Infraction (Non-correctable)	N	0-2	0	100			151.00	35.00		0		0	40	28	20.00	7.00	20	0	0	0	1	0	0	0	61.50		

Cover

Instructions

County Reference

B&P

F&G

H&S

Penal

Pub Res

Vehicle

VC Construction

TVS Fee

VC Overweight

W&I

Calclatr

Start

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Common Crimes V20c....

10:00 PM

There are charts that provide incremental breakouts of fines and corresponding penalties, assessments, and fees for infractions, misdemeanors, and felonies.

Microsoft Excel

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A1 =

Common Crimes V20c.xls:3

	A	B	C	D	E	F	G	J	K	L	N	O	P	Q	R	S
2	SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES										TOTAL
3	Base Fine (Court Input) PC 1268b and 1463.001	Restitution PC 1202.4	Restitution Fund Fine PC 1202.4 (b)(1)	Accounts Receivable PC 1205 (d)	Booking or Citation Processing Fee PC 1463.07	State Penalty Assessment Fund PC 1464 (a)	County Penalty Assessment GC 76000 (a)(e)	Court Facility Construction PA GC 70372, SB 1732	State Criminal Fine Surcharge PC 1465.7 (a), AB 3000	Court Security Fee PC 1465.8, AB1759 (Per Case)	Secret Witness Fee (per case) F&G 12002 (b), F&G 12021	Restitution Interest PC 1214.5 (a)	Restitution Surcharge PC 1203.1 (l)	Restitution Fund Fine Surcharge PC 1202.4 (l)	Offense Specific Fees and Penalties	Single Offense
4	FINE		RFF	ACC	ORF	SGF	CPA	CFC	CFS	CSF	SWF					TOTAL
5					\$25								NTE	NTE		
6				35.00	\$10	10/10	7/10	5.00	20%	\$20	\$15	10%	10%	10%		
7	5.00		0		0	10	7	5.00	1	20	0	0.00	0.00	0.00		48.00
8	10.00		0		0	10	7	5.00	2	20	0	0.00	0.00	0.00		54.00
9	15.00		0		0	20	14	10.00	3	20	0	0.00	0.00	0.00		82.00
10	20.00		0		0	20	14	10.00	4	20	0	0.00	0.00	0.00		88.00
11	25.00		0		0	30	21	15.00	5	20	0	0.00	0.00	0.00		116.00
12	30.00		0		0	30	21	15.00	6	20	0	0.00	0.00	0.00		122.00
13	35.00		0		0	40	28	20.00	7	20	0	0.00	0.00	0.00		150.00

B&P F&G H&S Penal Pub Res Vehicle TVS Fee VC Overweight W&I Calculator Code Sections **Infraction** Misdemeanor Felony

Ready

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5. CALCULATING AMOUNTS FOR MULTIPLE OFFENSES

When multiple offenses are involved, use the calculator chart to add the individual fines together and calculate the penalties and surcharge on the total fine for all offenses in a case. Pen. Code section 1464(b).

Microsoft Excel

File Edit View Insert Format Tools Data Window Help Acrobat

A3 = TOTAL FINES, PENALTIES, AND FEES

Common Crimes V20c.xls

For offenses not eligible for traffic violator school, enter a base fine amount for each offense charged and insert Y ("Yes") in the blue-bordered cell preceding related penalties, assessments, and fees. The mandatory surcharge, state, county, and court facility penalty amounts will automatically calculate in the purple and green cells below based on fine amounts inserted in the gold boxes.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
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Instructions / County Reference / B&P / F&G / H&S / Penal / Pub Res / Vehicle / VC Construction / TVS Fee / VC Overweight / W&I / Calculator

Microsoft Excel Microsoft PowerPoint - [B...

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6. PRINTING DATA FOR SINGLE OR MULTIPLE OFFENSES IN INDIVIDUAL CASES

It is possible to create a printout of charges for single or multiple offenses in individual cases. If the offenses are all in the same code tab, click on the row number for each relevant offense while pressing the control key to highlight data for each offense.

Common Crimes V20c.xls																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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VEHICLE CODE SECTION		CHARGE		LEVEL (Misd./Inf.)		OFFENSE		Correctable VC 40303.5 Point Count VC 12810		MIN FINE		MAX FINE		Footnotes		TOTAL		SUBJECT TO LOCAL DETERMINATION					ADDITIONAL FEES, PENALTIES, AND SURCHARGES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
																Single Offense Suggested Local Total		Base Fine (Court Input) PC 12836 and 1463.001 Restitution					PC 1202.4 Restitution Fund Fine		PC 1202.4 (b)(1) Accounts Receivable		PC 1205 (d) Booking or Citation Processing Fee PC 1463.07		State Penalty Assessment Fund PC 1464 (a)		County Penalty Assessment GC 76000 (a)(e)		Court Facility Construction PA GC 70372, SB 1732		State Criminal Fine Surcharge PC 1465.7 (a), AB 3000		Court Security Fee PC 1465.8, AB 1759 (Per Case)		Alcohol Abuse Prevention PA PC 1463.25, VC 23645		Alcohol Testing PA PC 1463.14(b)		Alcohol and Drug Program PA VC 23649		Night Court VC 42006		Restitution Interest PC 1214.5 (a)		Restitution Surcharge PC 1203.1(i)		Restitution Fund Fine Surcharge PC 1002.4 (f)		Offense Specific Fees & Penalties		Additional Late Charge VC 40310																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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In the File menu, select Print and in the "Print What" section of the print Window click on "Selection" and then click OK. Repeat the same steps for each tab and relevant section

The screenshot displays the Microsoft Excel 2003 interface with the 'Common Crimes V20c.xls' file open. The spreadsheet is structured with columns for 'CHARGE', 'LEVEL (Misd./Inf)', 'OFFENSE', and various numerical data points. A red arrow highlights the transition from the 'CHARGE' column to the 'OFFENSE' column. A 'Print' dialog box is open, showing the printer settings and a 'Print range' of 1 to 24. The 'Print' dialog box also shows 'Number of copies: 1' and 'Collate' checked. The spreadsheet data includes rows for 'Test input area' and various offenses like 'Unlisted Infraction', 'Unlisted Misdemeanor', 'Unlisted Felony', 'Stop Sign Violation', 'DUI / Wet Reckless', 'DUI / Wet Reckless', 'DUI / Wet Reckless', 'DUI Commercial Veh.', 'Poss. of Marijuana by Driver', 'Poss. Of Alcohol in Vehicle by Minor', 'Seatbelt Violation', 'Child Passenger Restraint', and 'Maximum Weight on Single Axle or Wheels (Overweight Chart)'.

What's to Come?

Access Database

Web Enabled

Bigger & Badder

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				Legislation Subcommittee Report- Tab A	
1.	Dorothy J. Cox, Senior Management Analyst	Placer County		1) Strongly agree, but request local discretion; and 2) Interest charges may represent double punishment, as fines are already punishment. The Attorney General clarified this opinion, which is noted in the state controller's Manual of Accounting and Audit Guidelines for Trial Courts, page C-3, under Table 1 comments. We question the reference made to interest as a "useful tool", as we believe the addition of interest may create debtor inability to finally pay down principal balances and move on with their lives. Further, since the cost of collections funds those programs that comply with 1463.007 Penal Code (and Placer County does), interest revenue would logically need to be deducted from the cost of collections, representing additional administrative	(2) In People v Sutter Street Railway Co. 1900 (129 Cal 545) the court determined that a judgement imposing a fine does not bear interest. The Supreme Court argues that for any judgement that is penal in nature, interest cannot be applied. The Court further argued that while the express provision is made for the disposition of the fine, there is no provision as to any interest on such fine, because it was never contemplated. It is our understanding that this ruling it still in effect. Penal Code section 1202.4(f)(3)(G) allows interest on restitution orders. It is not clear if this ruling would

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				<p>burden and no additional financial benefit. Interest charges are generally associated with the loan of money, and the collection of fines does not represent cash recoupment. The committee's comparison with Child Support Services may not apply, as the actions involved with Child Support services represent <u>money judgments</u>, which are allowed interest charges under the law, and court ordered debts (fines, forfeitures, etc.) are not considered money judgments. Additionally AB 3000 further complicates the treatment of interest income: where would interest income fall in AB3000's priority order? We ask that the committee carefully reconsider this recommendation, and should legislation be introduced to allow interest charges, at the very least, Placer County requests that any such imposition be written to allow local discretion; and 3) At this time, court and county agencies contract with other government agencies to secure confidential information on debtors re: employment, demographics, date of birth, social security #, etc. Once that information is secured, we are not allowed to share this info with a third</p>	<p>apply to delinquent court cost, probation costs etc.</p>

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				party, <i>including the Franchise Tax Board (FTB)</i> , which causes additional administration and cost of collections. Ideally, we should be able to share this demographic information with (FTB) when accounts are transferred.	
2.	Martha Florin, Asst. Court Executive Officer	Superior Court of Kern County		<p>1- Clarify fee for installment payments and fee for accounts receivable paid on a future date. There is a cost associated to establishing accounts for fines paid on a future date regardless of whether the fine is paid in installments or in full.</p> <p>2- Recommend sponsoring legislation to allow distribution of A/R fee before all fines and fees distributed when an account receivable is established. Currently, the A/R fee falls in Other Reimbursable Cost category and therefore, is distributed last. Many accounts take 2 to 3 years (or more) to be paid in full. Courts are unable to recover costs of collection right away, sometimes not at all if the balance of the fine is waived or converted to time in jail in lieu</p>	<p>1- The committee focused on increasing the fee for installment accounts, in recognition of the increased costs for maintaining these accounts and making the fee comparable to the \$50 currently allowed probation departments when establishing installment accounts.</p> <p>2- The priority of distribution was amended in budget trailer bill legislation in 2002 (AB 3000). There was significant review of the appropriate priorities by the Legislature at that time. The committee recommends the Judicial Council not seek legislation to change the priorities at this time.</p>

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				<p>of the fine.</p> <p>3- The provisions of PC 1463.007 are limited only to collection costs associated with delinquent accounts, recoverable only from delinquent account collections. To effectively collect delinquent accounts, innumerable front end activities need to happen, i.e. financial evaluation interviews, entering financial information in the collection system, sending billing notices, cashiering, etc. These costs are not recoverable under 1463.007. The A/R fee assessed is not enough to fund this upfront work since recovering the fee is delayed to the end of installment collection. Was a study undertaken to determine if \$50 will be sufficient to fund the cost of collection? Perhaps sponsor amendment of PC 1463.007 to allow recovery of all collection costs from all fines and fee collected though the collection program.</p>	3- Suggestion will be referred for future consideration.
3.	Jim Saco, Assistant Budget Director	San Mateo County	AM	1. The entity which is responsible for the cost of collecting	1- Agree. This is the intent of the proposal and legislation will be

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				<p>installment payments, should accrue any fees designed to mitigate those costs.</p> <p>Additional installment fee for courts is fine, as long as Courts collect fees and are responsible for all costs associated with collection fee (i.e.; staff, services bureau contracts, etc.)</p> <p>2. Be conservative when estimating future revenues from this source since most fines go partially collected or uncollected anyway.</p>	<p>drafted in this manner.</p> <p>2- Agree.</p>
4.	Rosie Pando, Assistant County Admin. Officer	County of Monterey	A	<p>Language in proposed legislation should include designation/distribution of installment payment fees to be paid to the collecting agency for collections related costs.</p> <p>Review for feasibility of charging interest should include:</p> <p>a. Legal Issues related to charging interest on court ordered dollar amounts that are subsequently paid in full. This could be regarded as effectively requiring higher payment than the court ordered</p> <p>b. Identification of technology and guidelines to accurately and</p>	<p>Agree.</p> <p>Agree.</p>

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				<p>uniformly calculate, apply and distribute interest fees collected</p> <p>Language to legislate or otherwise encourage judges to assess fines which are sufficient to cover all legislated fines and fees would be a good idea as well.</p>	Addressed by the Education and Training and Standard Fine Schedule Subcommittees.
5.	Christine Gentry, Court Operations Manager	Superior Court of Sonoma County	A		No response required
6.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	<p>In addition to fines, include in the interest feasibility review all court ordered amounts such as probation, indigent defense, and incarceration fees. To aid in collecting interest, amend the legislation governing the Franchise Tax Board's Court Ordered Debt (COD) Program to allow interest to be referred to COD whether principal is still owing or not. Interest should be kept by court or county responsible for collection to help offset collection costs. The Legislation Subcommittee Report notes no implementation requirements or cost, however there will be cost to the county for programming changes needed to set-up the capability to charge, track, distribute, and report interest on the designated charges.</p>	<p>Agree. These items will be included in the review.</p> <p>Net implementation costs should be zero, the costs of collections should be offset by new revenues.</p>

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	Commentator/Position	Court/County	Position	Comment	Committee Response
7.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A		No response required
8.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	A	Charging interest on unpaid fines/fees is a good idea but concern with the technological issues of charging interest and the appearance of “double-dipping” where interest is charged atop of costs imposed.	This issue will be included in the staff review.
9.	Stephen V. Love, Executive Officer	Superior Court of San Diego County	AM	There was discussion in various parts of the reports regarding an increase to the installment payment fee from \$35 to \$50. But, was there any discussion about allowing it to be applied to civil filings that might be paid over time? Should this be included in any statutory changes?	Yes. Civil filing fees paid in installments will be included in the draft legislation.
10.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	AM	The fee for setting up installment payments is supported but no position is taken on the amount of the fee. The fee for installment payments should be based on, and focused on, recovering the administrative cost associated with payment plans and stays and should not be merely a means of generating new revenue. Should the Judicial Council take a position on the amount of the fee, as it is	Agree—language would still require the fee to be based on “administrative and clerical costs.”

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				<p>a substantive issue for the legislature to resolve?</p> <p>Do not support directing staff to review the feasibility of charging interest on delinquent fees and fines until such time as case management systems and collection referral processes are available to support this activity, e.g. amounts sent to FTB, DMV are set amounts and processes to calculate and collect interest are not available. Equal treatment would not occur when an individual might be charged interest at the court's payment counter but another individual would not be charged the interest when collection is done through DMV.</p>	The committee believes a review of these issues is appropriate.
11.	Doug Estes, Chief, Revenue Recovery	Stanislaus County	AM	<p>Recommendation 1. Add Re: Installment payment fee recommendation.</p> <p>Make distribution of this fee to court/county <u>first</u>; not last as in the recently changed code. This change is needed to fund billing statements, follow-up and processing of the installment payments, that are up front costs, when defendants choose to make installment payments.</p>	The priority of distribution was amended in budget trailer bill legislation in 2002 (AB 3000). There was significant review of the appropriate priorities by the Legislature at that time. The committee recommends the Judicial Council not seek legislation to

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	Commentator/Position	Court/County	Position	Comment	Committee Response
					change the priorities at this time.
12.	Patrick Shannon	Mayer, Brown, Rowe, & Maw		Sub committee directs staff to review the feasibility of charging interest on delinquent fees and fines. California currently has one of the highest, if not the highest, bail/fine amounts for delinquent traffic citations in the country. We are concerned that increasing the amounts due may backfire. As bail amounts have increased over the years, we have seen much greater volume of court appearances, which further exhausts judicial and administrative resources. Increasing the dollar amount due will exacerbate this problem. Perhaps interest could be assessed on debts related to filing fees, indigent defense cost recovery cases, whose average balance is already by some estimates in excess of \$800, would appear precipitous.	Staff will consider in the review of the issue.
13.	M. Stephen Jones, Auditor Controller	County of Merced	AM	The charging of interest is very difficult. Suggest charging a one time fee on the day fee or fine becomes delinquent.	Staff will consider in the review of the issue.
14.	John A. Korach, Chief, Division of Accounting and Reporting	California State Controller's Office	AM	The Report recommends on page 17 that the Comprehensive Collection Program (CCP) pursuant to Penal Code 1463.007 should apply to delinquent civil fees. Senate Bill 246 amends PC 1463.007 to	Agree.

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				add fees, penalties assessments to the existing fines and forfeitures as subject to CCP. However, the context of the Penal Code (Criminal Procedure) is not clear that the term “fee” references “civil fees”, as well as criminal fees. Adding language that delinquent civil fees can be collected under CCP would clarify any misunderstanding	
15.	Eva Snider, Assistant Division Chief	Los Angeles County	N	The County does not agree with recommendation because the addition of a court installment fee on account/case involving payment plans will reduce the existing installment fee distribution to the County	The fee will only be charged by the entity establishing the installment account. If the county is responsible for that function and currently charging a fee, that practice may continue. The court would only charge a fee to the extent that the court was establishing the installment account.
16.	Richard Larsen, Treasurer Tax Collector, Director Central Collections	San Bernardino County	N	Amend AB 3000 to allow for an equitable distribution of payments received. Victim & Restitution first priority all other paid on a proportional basis to the total amount levied.	The priority of distribution was amended in budget trailer bill legislation in 2002 (AB 3000). There was significant review of the appropriate priorities by the Legislature at that time. The committee recommends the Judicial Council not seek legislation to change the priorities at this time.
				Guidelines and Standards Subcommittee Report- Tab 2	

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17.	Brian Bonner, Principal Legislative Coordinator	County of San Diego		In cases where the county would have to change its current business practices to align them with those proposed by the report, implementation of the recommendations would result in significant overhead and operational cost to the County. For example, the report lists automated system requirements and recommends standard use of it. Our current requirements differ from this because our receivables and collection practices differ. Many of the standard policies and standards are derivatives of court operations, not county operations. The training plan outlined by this report pretty much excludes the counties. The County of San Diego is also concerned that statewide actions by the Judicial Council and the Administrative Office of the Courts will create substantial costs for this county without a source of funds to reimburse those costs. While the County appreciates the goal of developing comprehensive collections practices statewide, that goal should not be reached at the expense of the County. The County strongly encourages the Judicial Council and AOC to calculate the full costs of these recommendations	These are excellent points that the working group has recognized. As a result, the Guidelines and Standards outlined in this report are intended to be considered long-term goals. The subcommittee understands that courts and counties do not have the means to achieve these guidelines in today's environment, however, with the development of the CCMS and any changes counties may make to their systems in the future, we ask that these guidelines be considered and incorporated into future changes. Further, no county or court is expected to incur costs to comply with these guidelines but simply to keep the long-term in mind as we move forward in the future together.

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				to the State and counties and to provide the funds needed for implementation.	
18.	Brian Bonner, Principal Legislative Coordinator	County of San Diego	AM	County staff has reviewed the report and generally agrees with its conclusions and recommendations. However, the County is concerned that implementation of the recommendations would cause significant, unreimbursed County costs.	See response to #15 above.
19.	Jim Sacto, Assistant Budget Director	San Mateo County		<ol style="list-style-type: none"> 1. An amnesty program should NOT be part of a comprehensive collections program for all of the reasons stated. 2. Page 4. c., e, f. Tracking this information by the year it was placed in collection and breaking in down by agency is time consuming 3. Page 5 #5. Reconciling collection information monthly to the supporting case management system could be very costly depending on the system a court has. 4. Page 6 # 1- Agree that collection attempts should be made before sending to FTB. 5. Page 8 Discharge of accountability. 1.c. agree should 	<ol style="list-style-type: none"> 1. No comment required. 2. The subcommittee recognized that many if not most counties/courts may not have the technology available for this type of detailed reporting. These standards therefore, were meant to address the long-term goals of the committee especially with the pending development of the California Case Management System which should address all of these standards. 3. Same as #3. 4. No comment required. 5. No comment required. 6. I agree with this recommendation. We should add language that indicates items a through g are required for debts exceeding

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				<p>be at least five years elapsed.</p> <p>6. Page 9 #2- should include language to consider whether the action is cost-effective. Not good to require all of these steps for a \$35 account</p> <p>7. Page 9#6- Disagree- The county revenue department ought to be one of the entities that can recommend discharge of accountability to the Board of Supervisors.</p>	<p>a certain dollar amount. In doing this, the original total amount of the debt should be the guiding factor.</p> <p>The county revenue department may be the “designee” of the county board of supervisors and therefore, does not need to be listed separately un this recommendation.</p>
20.	Rosie Pando, Assistant County Administrative Officer	Monterey County	A		No response required
21.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	A	<p>1. Amnesty should not be part of program.</p> <p>2. Discharge of Accountability Guidelines should be established.</p> <p>3. Suspension of professional and business license for unpaid court ordered fines.</p>	No response required
22.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	AM	The recommendation states that Rule 810 of the California Rules of Court identifies “collections enhancement” as collections performed in the enforcement of court ordered for fee, fines, forfeitures, restitution, penalties, and assessments, <u>beginning with the</u>	Rule 810 and its’ definition of enhanced collection does include non-delinquent criminal accounts as it defines collections beginning with the creation of the accounts receivable. Our definition of forthwith is a component of the

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				<u>establishment of the accounts receivable record.</u> The recommendation then attempts to define “forthwith payments” by stating “this category includes payments under an established collection agreement where the parties to the agreement comply with its terms and conditions” (which it appears would essentially cover all criminal accounts which have not become delinquent per the Courts’ delinquency guidelines). It is then stated that these ‘forthwith payment accounts’ should be provided to the court (stated in the Recommendation section). Rule 810 appears to include non-delinquent criminal account (installment accounts), where the definition of “forthwith payments” does not. Need specific definition of delinquent account.	definition of enhanced collections. An account is considered to be delinquent the day after the payment is due. However, the subcommittee recognizes that from an operational perspective, accounts may not be transferred for collections until 30 to 45 days after the account has been deemed delinquent. The goal of this subcommittee is to develop Guidelines and Standards that over time will standardize collections throughout the state.
23.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	The subcommittee report recommends against an amnesty program and Sacramento County also has a strong opposition to an amnesty program for the reasons listed on page 3 of the Operations subcommittee report.	Comment on Amnesty Program---no response required.

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24.	Connie Ahmed, Director, Department of Revenue	County of Sacramento	AM	Clarify the definition recommended in the report regarding not meeting the agreed upon terms and conditions. Do forthwith payments include stays or are stays enhanced payments? The report discusses forthwith, Enhanced Collections, and Comprehensive Collections, implying additional reporting requirements may be needed which are not mentioned in the Reporting Subcommittee's Report or sample reports.	<p>When a payment pursuant to the agreed upon terms and conditions is 1 day past the due date, it is deemed delinquent.</p> <p>When the court stays payment of a fine, fee, etc. that is not considered a forthwith payment until the time the stay is lifted.</p> <p>The reporting requirements include all collections----non-delinquent as well as delinquent. This will ensure the AOC and the Legislature are provided with complete collections information for each county. Forthwith payments are payments made the day of the court appearance. Stays are subject to the \$30 fee per PC 1205 to recover actual clerical costs. Enhanced collections activity must meet the criteria as set forth in statute</p>
25.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A		No response required
26.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	AM	Because the California Case Management System is still under development it is difficult to make	As the CCMS is developed, it will take into account the Guidelines and Standards approved by the Judicial

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	Commentator/Position	Court/County	Position	Comment	Committee Response
				specific comments as to how collection data will be tracked. However, a concern would be the interface with existing case management and cashiering/accounting systems	Council for the reporting of collections data to ensure that complete and consistent information is compiled from each court/county. The CCMS is envisioned to replace existing case management systems in all trial courts statewide.
27.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	AM	<p>Any changes to current revenue sharing may be difficult if it adversely affects the county's existing revenue sharing agreement between the court and county.</p> <p>Suspending business licenses for failure to pay unpaid fines/fees: How will the Court and the Department of Consumer Affairs accurately suspend a business license on cases where only limited information (E.g. no driver's license) is available?</p>	<p>The guidelines are not intended to change existing revenue sharing agreements unless changes are mutually agreed to by both the county and court or legislation.</p> <p>The details of suspending business licenses via collaboration with the Department of Consumer Affairs have yet to be determined. This subcommittee developed the Guidelines and Standards that will be used to determine the details of how this program may be implemented.</p> <p>Courts and Counties should work out local revenue agreements to cover cost and share in the resulting net revenue per local agreement</p>
28.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	A		No response required
29.	Richard Cabral, Court	Superior Court of	AM	Amnesty Programs	Item 1c: Disagree. Any violation of

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Program Manager- Collection Unit	Ventura County		<p>Item 1c: Request that “crime” be omitted and replaced by “offense” or “not abiding the law.” The word crime would be considered a harsh term for an infraction such a seatbelt ticket.</p> <p>Reporting on collections program activity - Page 4</p> <p>Item # 2: Perhaps quarterly reports would be more effective since many courts and counties have not had collection units.</p> <p>Item # 3b: Please define “year out.”</p> <p>Item # 3g: What types of cases would be referred to a licensing board? Will this work the same way as DMV licensing holds for failure to appear or pay?</p> <p>License not to be issued until the debt is paid.</p> <p>Item # 9: Request that external agencies or companies be evaluated for effectiveness and efficiency annually or semi-annually instead of the proposed 4 years review. After four years potentially collectible cases are no longer viable.</p> <p>Use of the Franchise Tax Board, page 6, Item 1: In past conference calls, discussion took place about the feasibility to allow the courts/counties to intercept a defendant’s Federal Tax</p>	<p>the law is a crime.</p> <p>Item #2: The minimum requirement is to report annually, however, this subcommittee recommends that at least quarterly or bi-annual reporting be required to assist courts/counties in determining and identifying areas where additional work may be necessary to ensure timely reporting at the end of the year.</p> <p>Item 33b: This is being read wrong. It is intended to state that the number and amount placed into enhanced collections by year be provided out of the total amount and number ordered.</p> <p>Item #3g: Any type of case where the debtor has a professional license may be referred to the licensing board. It is envisioned that this would be similar to DMV process, however, the details need to be worked out with the licensing board.</p> <p>Item #9: The subcommittee determined that approx. 4 years of data is needed to determine effectiveness via the measurement of trends and data. One year would not be sufficient to conduct an evaluation.</p>

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				<p>Return. Will this be included in the report?</p> <p>Discharge of accountability - Page 9</p> <p>Item # 1d:</p> <p>This needs to be more specific on the length of incarceration for a case to be eligible for discharge.</p> <p>Item # 7d: Is there a statute of limitations on fees?</p>	<p>FTB: The subcommittee decided to not include Federal Tax Return intercepts as part of this process as this is currently being explored by the AOC.</p> <p>Item #1d: one of the factors that must be considered for discharge is that 5 years have elapsed from the due date or conviction date as well as ensuring the statute of limitations on the debt has not tolled. If the incarceration period falls into these timelines, it may be appropriate for discharge.</p> <p>Item #7: This will be referred to AOC legal for a response.</p>
30.	Dorothy J. Cox, Senior Management Analyst	Placer County	AM	<p>1) <i>Professional and business licenses program</i>: This recommendation warrants wider review by the Placer County Criminal Justice system; however, it appears to represent double punishment, and may be contrary to restorative justice, etc. There are collection avenues apart from suspending or not allowing renewal of licenses; for example, bank account attachments, 24-hour keepers (til-tap), wage garnishments, liens against secured property, and seizure process</p>	<p>1. The goal of these standards is not to by-pass other collection avenues but rather to provide another avenue that is available to collection entities to encourage payment of fines, fees, etc.</p> <p>2. These are Guidelines and Standards that are being recommended for approval by the Judicial Council. Implementation of these guidelines is envisioned to take into consideration any labor or other issues.</p> <p>3. No comment required.</p>

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			<p>against unsecured business etc. People who lose their licenses with no ability to pay debt may fall into indigency status, which is a losing proposition in any case. Placer County prefers to work with debtors utilizing the aforementioned avenues while promoting the business community and restorative justice models; 2) <i>Account management</i>: Workflow targets may be problematic in working with collective-bargaining agreements and union shops – caution is advised - if "employee requirements" addresses knowledge, skills, and abilities, we would not anticipate a problem; 3) we <u>strongly agree</u> with requiring that fee waivers be submitted in person; 5) installment payments through the courts for civil fees should not run parallel to any individual installment plans established through a County collections program; given that, it is recommended that civil fee collections be made a part of existing collections programs; 6) waived fees should remain permanently waived and not be reinstated based on changes in ability to pay; 7) request and need better definition, including which fees are being considered, regarding references</p>	<p>4. missing 5. The intent was not to have simultaneous collections on the various fees. 6. Disagree. If an individual's financial status changes before the final disposition of any matter, the court should have the ability to review the financial status periodically and recoup any previously waived fees. 7. Cannot find this reference in the subcommittee report. 8. Disagree. The subcommittee unanimously and strongly agreed for the reasons outlined in the report to not pursue an amnesty program. The subcommittee also unanimously agreed that all counties in the state adhere to this recommendation to ensure that defendants are treated equally throughout the state. 4. Disagree. The subcommittee determined that documenting policies and procedures especially where they deviate from the guidelines established was critical as deviations may impact reporting differences as well</p>

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				<p>to retaining a percentage of recovered monies for use in <u>local court improvement projects</u>. With various revenue-sharing agreements in place throughout the state, legislation that directs monies to local court improvement projects could undermine local agreements. Placer County cannot agree to this concept without further clarification; 8) <i>Amnesty programs</i>: PC1463.010 (g) which was implemented pursuant to SB 940 states: “Notwithstanding any other provision of law, the Judicial Council, after consultation with the Franchise Tax Board with respect to collections under Section 19280 of the Revenue and Taxation Code, may provide for an amnesty program involving the collection of outstanding fees, fines, forfeitures, penalties, and assessments, applicable either statewide or within one or more counties. The amnesty program shall provide that some or all of the interest or collections costs imposed on outstanding fees, fines, forfeitures, penalties, and assessments may be waived if the remaining amounts due are paid within the amnesty period.” It is Placer County's opinion that SB 940’s</p>	<p>as highlight a modification to the guidelines that may be needed. The intent of the committee is not to stop any deviations but to ensure deviations are noted as they may provide better insight into the various collection programs throughout the state.</p> <p>Amnesty programs create a disincentive to following the Court’s order. Instead, holding individuals accountable through enhanced collections efforts should bring about respect for the law, compliance with fine payments and a general deterrence effect.</p> <p>It will be helpful for courts to document successful local programs that may deviate from the statewide operational policies. Such documentation may support changes in statewide policies.</p>

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				<p>intent was to strongly consider amnesty programs, yet this report is recommending not allowing amnesty programs. Despite the listed justifications in the report, Placer County would appreciate having the option to periodically offer amnesty programs designed to provide large influxes of cash, and dispose of large volumes of accounts in a very quick and efficient manner. Any such amnesty would not be predictable to the debtor and general public, nor would it be offered with any kind of regularity. Again, the request is to allow local discretion in determining whether or not an amnesty program will serve to benefit the local jurisdiction, the state, and the debtor population; 9) while Placer County agrees that operational policies and procedures should be documented in a comprehensive manual, we also believe that the requirement to document in writing the reasons for any local policies and procedures that deviate from the guidelines established in the statewide operational policies and procedures manual is excessive, and does not take into consideration programs that are</p>	

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				already successful. In fact, it may be preferable that the statewide operational document be referred to always as "guidelines" rather than "policies." Also, certain deviations from "guidelines" may be due to particular confidential employee issues, including but not limited to disabilities and other performance issues.	
31.	Dorothy J. Cox, Senior Management Analyst	Placer County	A		No response required
32.	Patrick Shannon	Mayer Brown, Rowe & Maw		The Guidelines and Standards sub-committee expressly recommends the use of the Franchise Tax Board's court ordered debt collection program but fails to give any consideration to the use of private collection agencies. The recommendation should be augmented to encourage courts and counties to utilize private agencies as part of a comprehensive program as well	The recommendation of the subcommittee is to NOT make FT a mandatory component of a collection program to provide courts/counties with the flexibility to use private collection agencies. As a result, the flexibility currently exists to use private agencies.
33.	M. Stephen Jones, Auditor Controller	County of Merced	AM	The discharge of accountability for court fines should not become the responsibility of the Board of Supervisors due to the cost of the process. The fees and fines should be dismissed by the courts.	The subcommittee recognized that there are various entities in each county that are engaged in collections. As a result, the recommendation is that the discharge of accountability come from either the collections committee, the court, the board of supervisors or a designee. This

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					language ensures that the proper agency in each county be responsible.
34.	M. Stephen Jones, Auditor Controller	County of Merced	A		No response required
35.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	The Los Angeles County Board of Supervisors (Board) has an active interest in court collection activities and would like to retain local control of court collection procedures. The County will endorse these recommendations only if the County has the flexibility to preserve the collection practices and standards of the comprehensive court collection program as adopted by the Board.	The goal of the subcommittee was to develop Guidelines and Standards that can be utilized by all courts and counties to enhance existing collection efforts. As such, the recommendation is not for successful programs to be negatively impacted. Rather, any best practices should be shared with other counties to ensure that the overall collections in California be enhanced. It would be recommended that the Los Angeles Program take into consideration best practices from throughout the state to ensure that any enhancements that may be overlooked will be considered. The subcommittee recommends that all collections activities be reviewed periodically to ensure that no opportunities to enhance collections be overlooked.
36.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	The Los Angeles County Board of Supervisors (Board) has an active interest in court collection activities and	The goal of the subcommittee was to develop Guidelines and Standards that can be utilized by all courts and

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				would like to retain local control of court collection procedures. The County will endorse these recommendations only if the County has the flexibility to preserve the collection practices and standards of the comprehensive court collection program as adopted by the Board.	counties to enhance existing collection efforts. As such, the recommendation is not for successful programs to be negatively impacted. Rather, any best practices should be shared with other counties to ensure that the overall collections in California be enhanced. It would be recommended that the Los Angeles Program take into consideration best practices from throughout the state to ensure that any enhancements that may be overlooked will be considered. The subcommittee recommends that all collections activities be reviewed periodically to ensure that no opportunities to enhance collections be overlooked.
37.	Richard Cabral, Court Program Manager-Collection Unit	Superior Court of Ventura County	AM	Clarification is requested in the quarterly reporting as to which cases are to be included in the reports. Item 1 of the instructions state that this report requires reporting <u>only</u> on delinquent accounts. However, the report requires data in column L on “Cost of Collections Exclusive of PC 1463.007”, which includes (by definition in the glossary) costs	General comment – Although courts/counties may not be able to fully meet the reporting requirements initially, the blueprint is set for future system development and enhancement, much like our JBSIS standards that provide the model to achieve over time.

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				<p>for payments that are <u>not</u> delinquent. Clarify the nature of costs to be reported in column L of the report.</p> <p>Clarification is requested in the quarterly reporting of cases “Opened or Referred.” For example, when cases are transferred from the court to the FTB, they will reflect as open on both the Court and FTB lines. Perhaps a column for Transfers would help clarify this movement and avoid duplicate reporting.</p> <p>Both the Guidelines/Standards Subcommittee and the Reporting Subcommittee recommended that amounts collected be aged based on the year the case was placed in collections. The Reporting Subcommittee also recommends that the payments be reported based on type/source of payment, i.e., Court, County, FTB.</p> <p>Creating an aging of collections by source of payment based on the date the case was opened or</p>	

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				<p>referred will be very complicated for most collections systems. This will require programming to categorize every payment based on the date the case was opened, the source of the payment, and whether the case is delinquent or non-delinquent. Over the life of a case, payments can be made to both the court and the FTB, and the case may change back and forth during the period from delinquent to non-delinquent status. Reporting based on the date the case was opened seems inconsistent with the reporting of the distribution of the payment to the appropriate entities. The revenue is distributed in the current year, without regard to the date the case was opened.</p> <p>Clarification of the purpose for aging the amounts collected based on the date the case was opened, and how this information will be used? Is this a GASB requirement? An aging of the ending receivables balance might be more appropriate for evaluating the performance and status of a collections</p>	

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				program. Clarification is requested on the quarterly reporting for the column labeled "Less: Total number of cases closed." Are we to report cases that were established and closed in the same quarter or any case that is closed in that quarter?	
				Operations/Fee Waiver Subcommittee Report- Tab C	
38.	Christine Gentry, Court Operations Manager	Superior Court of Sonoma County	A		No response required
39.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	A		No response required
40.	Jim Saco, Assistant Budget Director	San Mateo County	AM	<ol style="list-style-type: none"> 1. Change Rec.# 5- to read: "Offer installment or credit card options." 2. Change Rec. # 6 to read: "offer partial waivers when appropriate." The word "Encourage" doesn't seem appropriate, especially for Rec. # 5 if payer has cash. Why accrue more debt? 3. Not sure what it means by "deferred or postponed waivers?" Need more information. 4. Agree with Rec. # 2 regarding P.C. 1205 as long as language is drafted that ensures that entity 	<p>Agree.</p> <p>Agree</p> <p>Example: Allows fees and costs to be waived at the outset but collected at the conclusion of the case.</p> <p>Agree</p>

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				<p>responsible for the cost of collections receives the P.C 1205 fees to help defray costs.</p> <p>5. Need more information. Is this related to “changed circumstances?” Unless something changes with regard to litigant’s ability to pay, why would we attempt to collect waived fees?</p> <p>6. Incentives to collect monies is a good idea, however, counties should have some discretion over use of incentive funds-not only court improvement projects. Expand the use of funds to public safety projects (i.e.; security, drug diversion, etc.)</p>	<p>Statute allows court to inquire regarding changed circumstances.</p> <p>Agree. Report recommendations will be modified to read “Provide an incentive for courts and counties by authorizing them to retain a percentage of recovered monies for local use.”</p>
41.	David G. Womble Colusa County Supervisor	Colusa County	AM	<p>Fee Waivers in Categories 1 & 2: Just because they are on some type of assistance is not reason to waive any fee or fines. It isn’t fair to those who have to pay (equal rights). Let them scrimp a little. It would be a good reminder and/or a lesson. Category 3: Make them work it off. The State and Counties can no longer afford “fee rides” for anyone. Institute Penal Code Section 1205. One interest rate on all past accounts as the taxpayers cannot afford to carry any</p>	<p>Disagree. GC 68511 and CRC 985 specify eligibility criteria for applicants filing under categories 1 and 2..</p> <p>Category 3: Disagree. Fee Waiver working group to evaluate and develop statewide best practices and procedures for verification of eligibility and collection.</p>

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				more financial burdens.	Need clarification. PC 1205 specifies the administration costs rather than interest rates.
42.	Stephen V. Love, Executive Officer	Superior Court of San Diego County	AM	With respect to the Fee Waiver section. Until we have a civil/family case management system that is fully integrated with a comprehensive fiscal application, several of the recommendations (including implementing the elements of PC 1463.007) will require additional staff time. If the cost of that staff can be taken from the collections prior to distribution, it might be workable. The other problem is obtaining the personal information from these civil/family litigants that will make enhanced collection efforts possible, e.g. ss#, dob, cdl #, etc.	Recognize SB 940 requires some resource enhancements of collections programs. Fee waiver working group to explore cost-benefit of implementing elements of PC 1463.007. Recognize may be challenges in collecting information not readily available in all cases.
43.	M. Stephen Jones, Auditor Controller	County of Merced	AM	Credit Card collections do not state who is going to pay the processing fees charged by the bank. They should be deducted from the fees or fines.	Working Group will take comments into consideration.
44.	Rosie Pando, Assistant County Admin. Officer	County of Monterey	AM	Discussions for the creation of a working group should include development of guidelines for factors such as authority, accountability, noticing, reporting, voting, appeals, receipt of input from other parties, staffing, financing, evaluation of group	Recommendation is for the Judicial Council to create the fee waiver working group with the ultimate goal of developing guidelines, court rules and legislation as necessary that will go through open comment period and other processes to

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				effectiveness.	implement the recommendations adopted by the Judicial Council.
45.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	Recommendation (page 8) includes language that indicated incentive for court and counties to use a percentage of funds for court improvement projects. The county prefers to use some of the retained funds for its own purposes.	Agree. Report recommendations will be modified to read “Provide an incentive for courts and counties by authorizing them to retain a percentage of recovered monies for local use.”
46.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A	Support the concept of partial fee waivers.	No response required
47.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	A		No response required
48.	Stephen V. Love, Executive Officer	Superior Court of San Diego County	AM	With respect to civil fee waivers, suggest that in the future, there be consideration to include a liquid asset test of some sort for Category 2 of the nondiscretionary fee waivers eligibility (i.e., 125% or less of poverty level). Perhaps survey other states about their practices related to asset inclusion	Would require a legislative change. Recommend fee waiver working group explore issue
49.	Brian Bonner, Principal Legislative Coordinator	County of San Diego	AM	Create a working group composed of judicial officers, court executive officers, legal service providers, Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee members, and other	Fee waiver subcommittee recommendation already identifies a broadly based representation and does not limit the Judicial Council or Administrative Director or designee in selecting working group

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				interested persons-to develop statewide best practices and procedures. The county Law Library continually cites waiver of fees as a reason for declining revenues. The County suggests that the proposed working group also examine the impact on Law Library funding and operations	composition.
50.	Doug Estes, Chief, Revenue Recovery	Stanislaus County	AM	Recommendation 2. New Re: Writ process. As writs are a required tool for a comprehensive collection system, request legislation to allow the courts/counties to serve writs (wage attachments/bank accounts) by letter in the same manner as Child Support and FTB now do.	No further response.
				Reporting Subcommittee Report- Tab D	
51.	Marita Ford, Finance Director	Superior Court of Riverside County	AM	<p>1- On all reports, tax intercept should probably not be listed as a separate “type” of collections model, along with court, county FTB-COD, etc. Tax Intercept is a “tool” for collections and is 1 of 14 components listed in PC 1463.007.</p> <p>2- Our court does not download most civil cases (including probate and FL) to our collections system. Unable to</p>	<p>a. Agree, will delete FTB Tax Intercept as a program.</p> <p>b. Any accounts receivable that</p>

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				<p>report these on the form.</p> <p>3- Titles in columns in the inventory, quarterly and certification forms do not match. Example, some places it say “number opened or referred”...other places it just says “number opened” and in some places it says “court ordered debt.” Under “Value of Cases”, on the certification page is says "Ending Balance-Collectible Debt" and on the quarterly it says" Total Value of Cases Ending Balance." There are other discrepancies, headings should be consistent.</p> <p>4- May have difficulty tracking in our system WHY the case was closed. Other court may have the same problem.</p> <p>5- Any wording changes to the forms need to be made to the instructions as well</p>	<p>cannot be broken out can and should be reported in the other category.</p> <p>3. Titles will be amended for clarity and uniformity.</p> <p>4. Any cases closed that cannot be broken out can and should be reported in the Miscellaneous/Other category.</p> <p>5. Agree.</p>

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52.	Micki Regan-Silvey Division Chief	Alameda County Central Collections	N	Reporting frequency should be required annually or at the most semiannually. Quarterly reporting is too time consuming and would create a hardship for smaller programs. Recommendation 6- a yearly report makes more sense especially during these times of understaffing and tight budgets Agree with recommendation 1-4 and 6-11.	Reporting frequency will be changed from a quarterly basis to a semi-annual basis. A semi-annual report will still allow the AOC to monitor the progress of court-county collections program. Courts unable to comply need to provide an explanation.
53.	Jim Saco, Assistant Budget Director	San Mateo County	N	<ol style="list-style-type: none"> 1. Reports may be very time consuming and costly to prepare. Once a year would be sufficient. 2. In terms of reporting templates, some items could be counted more than once if the cases are referred to the County and then to FTB or another entity. The A/R would be controlled by the County, but there would be secondary referrals to the appropriate agency. If one deducts if from the County row, it distorts the fact that it is controlled and payments posted in the County's A/R. If one does not deduct it, then the A/R would be doubled which is 	<ol style="list-style-type: none"> 1. Reporting frequency will be changed from a quarterly basis to a semi-annual basis. A semi-annual report will still allow the AOC to monitor the progress of court-county collections program. Courts unable to comply need to provide an explanation. 2. Cases should not be reported in more than one program because cases should not be referred to more than one agency. In the current version, it was possible that a case being handled by one entity could also be referred to

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				<p>improper. How should this be handled?</p> <p>3. Also, what is considered the “referred date?” An account could be referred to the County in 2003 and secondarily referred to FTB tax intercept in 2005.</p>	<p>FTB Tax Intercept, but it will no longer be the case since FTB Tax Intercept will be deleted as program in the reporting template.</p> <p>3. The referred date is the date a case is referred from a one program (e.g., the court) to another (e.g., FTB Court-Ordered Debt). When a case is referred by the sending program, the sending program should reflect a closed case.</p>
54.	Rosie Pando, Assistant County Admin. Officer	County of Monterey	A	Limitations in our case management system functionality may be problematic complying with reporting enhancements.	We don’t expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for “Other”. For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
55.	Rosie Pando, Assistant County Administrative	County of Monterey	N	Recommendations are very extensive.	Same as below

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	Officer				
56.	Rosie Pando, Assistant County Administrative Officer	County of Monterey	A	<p>1- This provision can be implemented to the extent that court/counties possess shared access to and usability of information provided through the California Case Management System. Currently, availability of shared access to information and timelines for implementation have yet to be determined for this responding county.</p> <p>2- Recommendations are very extensive.</p>	<p>1. Any program that does not meet at least 10 of the 14 components cannot offset costs prior to distribution to other governmental entities pursuant to Penal Code 1463.007.</p> <p>2. Agreed.</p> <p>1. Monitoring should take place at various levels.</p> <p>4. We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their</p>

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					age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
57.	Christine Gentry, Court Operations Manager	Superior Court of Sonoma County	AM	<ol style="list-style-type: none"> 1. The key reporting requirements, to be submitted to the Judicial Council, contain information, which is not currently captured by Sonoma County Superior Court's case management system. Analysis with our current case management vendor would be necessary in order to find a mechanism to extract this data. System programming would then be necessary in order to provide this data information to the Judicial Council and may require ample notice to complete this project. The court is also unsure of the cost to perform the modified programming and given the current fiscal constraints, if unable to apply costs against collection revenues received, may need to obtain one-time special fund in order to complete the project. 2. Accounts in Sonoma County 	<ol style="list-style-type: none"> a. We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.

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				<p>may be more than one “case type” at a time’ For example, cases returned from our outside collection agency are technically “Court Program” accounts, yet they may also be assigned to the “Franchise Tax Board Tax Intercept Program.” Courts need direction on how these accounts should be reported.</p> <p>3. Need a clear definition of a “receivable” for reporting consistency. Recommendation # 9 refers to the definition of a delinquent account, but not the definition of a receivable.</p>	<p>2. Cases should not be reported in more than one program because cases should not be referred to more than one agency. In the current version, it was possible that a case being handled by one entity could also be referred to FTB Tax Intercept, but it will no longer be the case since FTB Tax Intercept will be deleted as program in the reporting template.</p> <p>3. A clear definition of account receivable will be included in the glossary. Account receivable will be defined as monies owed for court-ordered fines, fees, penalties, forfeitures, and assessments, whether delinquent or a non-delinquent installment payment. However, the subcommittee recognizes that from an operational</p>

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					perspective, accounts may not be transferred for collections until 30 to 45 days after the account has been deemed delinquent. The goal of this subcommittee is to develop Guidelines and Standards that over time will standardize collections throughout the state.
58.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	AM	Submission of this report on a quarterly basis appears to be excessive. Request provision to modify report submission to bi-yearly basis.	Agree. Reporting will changed from a quarterly basis to a semi-annual basis. Courts unable to comply need to provide an explanation.
59.	Christine Gentry Operations Manager	Superior Court of Sonoma County	A	Year end reporting date	Reporting will changed from a quarterly basis to a semi-annual basis.
60.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	AM	We have been unable to locate Exhibit B, which recommendation states should show example of the additional data that will be required when the CCMS is implemented. Sonoma agrees with the recommendation if the additional data requirement is available through the new CCMS	Agree. Additional data will be required to the extent that the CCMS will be able to generate such data.
61.	Vanessa Balinton-White, Court Collection Manager	Contra Costa Superior Court	AM	Not all court/county agencies have immediate resources to effectively and accurately meet the reporting requirements by the due dates. Allow for extensions	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for

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					“Other”. For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
62.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	Report (page 2) notes in recommendation #4 when California Case Management System is implemented, court/counties will submit more detailed collection information. Entities should not be required to use the same collection system as long as the desired information can be produced in the system in use. Costs for programming changes to meet reporting requirement need to be addresses.	Agree.
63.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A	All courts may not be able to produce the detailed reports. Few, if any, courts have the ability to produce aged receivables reports. Therefore, the reports of receivables created prior to June 30, 2003 will cover widely varying periods of time. This could give an unrealistic picture of the potential collections. Reports to the Legislature should include information on efforts to increase timely payment of fines and fees, as well as the collection of	We don’t expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for “Other”. For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested

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				delinquent fines and fees. The working group recommends a number of payment mechanisms such as the use of debit and credit cards, which will facilitate timely payments. Focusing on delinquent fines, while extremely important, fails to give courts credit for encouraging timely payment.	data should be explained in the Program description worksheet. Performance measurements will be developed over time. Every court/county will be able to discuss their performance in the reporting template.
64.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A	Additional data when California Case Management System is implemented	No response required
65.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	AM	The court and collection vendor track many data elements contained in the recommendation. However, because of the level of detail requested, some of the reporting data may be difficult to accurately obtain. The court is looking into ways to provide this information.	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
66.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	AM	There is no opposition to the notion of developing a case management system with a fully built out accounting system for this type of reporting. Superior	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a

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				<p>Court of Orange County would endeavor to implement the reporting program when such a system is operating in a production environment.</p> <p>Very few courts (if any) have systems that are capable, today, of complying with the recommendation; resources to implement systems (V2 and V3) have not been identified; courts do not have resources in current budgets to enhance production systems; and no resources are available to create a manual system of reporting. Superior Court of Orange County would implement production of these reports when the capacity to do so is available and in production through the V2 and V3 designs. Production of these reports is not included in V2, presently, although it is being included in V3 program design. It is not realistic to require reporting by courts when courts don't have systems capable of doing so in a production environment. It could be injurious to the reputation of the judicial branch to adopt a recommendation that cannot be implemented.</p> <p>It might be more realistic to characterize</p>	<p>general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.</p> <p>An annual report is required by SB 940. The December 1 due date provides courts/counties 4 months after the close of the fiscal year to prepare the report.</p> <p>Any difficulties, problems, and inabilities in reporting requested data can and should be explained in the Program description worksheet.</p>

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				this recommendation as one that would be implemented by courts when they have the resources to do so, rather than by December 1, 2004.	
67.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	AM	<p>Question the validity and usefulness of the “Inventory of Number and Value of Outstanding Cases” template, the quarterly “Inventory and Collections of Cases” templates, and the “Certification and Summary of Year-to-Date Collections” templates. Some cases will be referred to multiple debt collection venues, e.g. many traffic matters would be referred to FTB Court-Ordered Debt, FTB Tax Intercept and DMV and possibly even a contract collections vendor. Therefore, totals at the bottom or right column are meaningless.</p> <p>It was surprising that the DMV is not listed on the template because it is a very valuable collection referral tool.</p> <p>At best, these templates (if modified or greater detail on cell content criteria) might be useful as a means of viewing trends or patterns at specific moments in the fiscal year. At fifteen minutes into the next business day after close of business on the report date, this court</p>	<p>Cases should not be reported in more than one program because cases should not be referred to more than one agency. In the current version, it was possible that a case being handled by one entity could also be referred to FTB Tax Intercept, but it will no longer be the case since FTB Tax Intercept will be deleted as program in the reporting template.</p> <p>DMV is one of the 14 Penal Code 1463.007 components related to a comprehensive collections program. Courts/counties are encouraged to use the DMV to locate delinquent debtors.</p> <p>Performance measurements will be developed over time. Every</p>

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				could have entered hundreds of new fees/fines and processed incoming mail money such that the report is out-of-date.	court/county will be able to discuss their performance in the reporting template.
68.	Doug Estes, Chief, Revenue Recovery	Stanislaus County	AM	Allow more time/funding to develop the reporting function within the courts and counties before they are required. Courts/Counties, without computer tracking systems now in place, will spend countless hours providing this reporting. This time could be used in the collection process.	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
69.	Dorothy J. Cox, Senior Management Analyst	Placer County		Each court/county that has a collections program should, by December 1, 2004, report to the Judicial Council, by program, its fiscal year 2004–2005 beginning balance of outstanding debt for all receivables (1) created prior to June 30, 2003, and (2) created between July 1, 2003, and June 2004. The quarterly reporting template, as amended according to the recommendations of the working group (see Exhibit A), should be approved.	No comment required Both courts and counties not represented on the reporting Subcommittee were involved in approving the reporting template format and requirements.

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				<p>Since this is the first year of reporting, four months after the close of the fiscal year should be sufficient time for court/counties to report. Using the reported information, the Judicial Council will submit a report to the Legislature by March 2005. (Reporting Subcommittee)</p> <p><u>Agree only if modified:</u></p> <p>1) Placer County requests that any standard reporting formats be co-developed by the courts and the counties on a wider distributive basis than that of this subcommittee. Previous experience, most recently concerning SB1732, points to the necessity of working together when developing reporting formats that involve county entities, as information is not necessarily collected consistently on a statewide basis.</p>	
70.	Dorothy J. Cox, Senior Management Analyst	Placer County	AM	<p>1) While joint reporting sounds reasonable, it is a complicated scenario, and not necessarily reasonable to the entity that is not operating the collections program. Placer County would prefer that the collections program prepare an annual report that is certified by the report's creator, reviewed by the non-controlling entity,</p>	<p>1. The work of the SB 940 working group is intended to be utilized as a road map for all counties and courts to work towards over the next several years. The SB 940 working group as well as the Guidelines and Standards subcommittee recognize that most counties and courts across the state will not have the ability to</p>

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				with the non-controlling entity given an opportunity to submit comments. If an outside collection program creates the report, then both the county and the court should review it; however, neither the court nor the county should be required to <u>certify</u> another entity's report. We request that the concept of joint reporting be carefully reconsidered; 2) the level of reporting recommended seems excessive, and represents a new administrative burden that will result in a reduction of available revenue for programs. It is critical that careful consideration be given to the usefulness and value added of obtaining such detailed data. Additionally, current information systems will need to be altered to provide this information in the manner prescribed, again requiring significant resources, both human and financial, to comply.	provide all of the necessary information identified in the report, however, it is critical that we all make every effort to enhance our collections and work toward compliance with the Guidelines and Standards set forth in the report. Further, once the CCMS is developed and implemented statewide, it will allow for easier reporting at the level of detail outlined in the report. The critical emphasis here is that no one is expected to fully comply with the guidelines set forth in the report, however, as a state we must begin somewhere. With regard to the join reporting, this is an issue that was brought up at the training workshops and this language is being modified accordingly.
71.	Dorothy J. Cox, Senior Management Analyst	Placer County		Would like to reserve the right to comment at a later date.	No response required
72.	Dorothy J. Cox, Senior Management Analyst	Placer County	AM	Placer County is excited about what this system could mean in terms of collecting information; and there are a	Working Group will take these comments into consideration.

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				<p>couple of questions/concerns: 1) will this system be accessible to county collections programs? The report references court access but does not mention county access; and 2) it is critical that this system have interface capability with other justice related systems within the county to include the county collection programs, District Attorney, Sheriff, Indigent Public Defender, and Probation. It is our understanding that incorporating use of the <i>Justice xml interface program</i> will facilitate communication between different case management systems in operation within the state and counties, and that it is imperative that the system ultimately adopted be able to "emit" (send) and preferably "consume" (import) data complying with the Justice XML specifications.</p> <p>While Placer County generally disagrees with more detailed collections reporting, if the California Case Management System is able to automatically report such information, our opinion may change.</p>	
73.	Patrick Shannon	Mayer, Brown, Rowe & Maw		The reporting sub-committee provides different examples of data that could be	Performance measurements will be developed over time. We will

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				used to report collections performance. Currently, the Franchise Tax Board measures it performance by factoring the dollar amount collected against the dollar amount they have in inventory for a specific time period. Canceling a debt or withdrawing an account will arbitrarily increase performance. An accurate assessment would need to track the dollar amount collected against the corresponding placement made over time. We would recommend a use of batch tracking which does precisely that. It is a performance-tracking tool that has been embraced by the private sector for decades. It eliminates the possibility that performance results could be skewed.	consider this recommendation
74.	Pamela Kindig, Auditor Controller	County of Napa		Are both certificates on the proposed reports required? If so, County Auditor Controllers' or other county officials' should only certify reports from comprehensive collection programs that are operated by the county or the county contracts with a third party. Likewise, the Court Executive Officer or Presiding Judge should only certify reports issued for court-managed programs.	Courts and counties are encouraged to work together in running collections programs. We have modified the report so that authorized court and county representatives will sign off as having reviewed the data being reported but will not certify to the accuracy of the data.
75.	M. Stephen Jones, Auditor Controller	County of Merced	N	The new reporting requirements for counties to the Judicial Council will be	We don't expect all courts to be able to report initially at the requested

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				time consuming and require financial resources that are not available.	level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
76.	M. Stephen Jones, Auditor Controller	County of Merced	N	The new reporting requirements for counties to the AOC will be time consuming and require financial resources that are not available.	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
77.	M. Stephen Jones, Auditor Controller	County of Merced	N	The new reporting requirements for counties will be time consuming and require financial resources that are not available.	Same as above.

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78.	M. Stephen Jones, Auditor Controller	County of Merced	AM	Combined reporting by the county and courts should be separated to allow each entity to report their date only. The separate reporting would allow each entity to report based upon their individual time constraints.	One of the intents of SB 940 is to encourage courts and counties to work together in running collections programs. SB 940 requires a joint court-court report.
79.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	All receivables and account inventories related to outstanding court fines and fees are maintained by LASC, and we will work with LASC to compile the data required. The County will endorse this recommendation only if the reporting requirements do not require the County to implement a separate system for the tracking of court debts.	We don't expect all courts to be able to report initially at the requested level of detail. The reporting template allows for reporting at a general level of detail. In all categories, if data cannot be reported in detail, there is a category for "Other". For at least the first year, we have eliminated reporting number and value of cases by their age. Any difficulties, problems, and inabilities in reporting requested data should be explained in the Program description worksheet.
80.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	All receivables and account inventories related to outstanding court fines and fees are maintained by LASC, and we will work with LASC to compile the data required. The County will endorse this recommendation only if the reporting requirements do not require the County to implement a separate system for the tracking of court debts.	Same as above.

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81.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	All receivables and account inventories related to outstanding court fines and fees are maintained by LASC, and we will work with LASC to compile the data required. The County will endorse this recommendation only if the reporting requirements do not require the County to implement a separate system for the tracking of court debts.	Same as above.
82.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	The California Case Management System is a court system that is administered and maintained by the Court.	Agree
83.	Larry Haugh, Auditor Controller	Stanislaus County	AM	The Auditor- Controller is being asked to certify that the statement of revenues and cases received, disbursed and on hand for a period is correct. Typically, the Auditor- Controller does not maintain this information and would have to rely on reports from another department. In Stanislaus County the Treasurer-Tax- Collector is responsible for the collection of Court fines when set up on a payment plan. For this reason I am opposed to having the Auditor- Controller sign for something he or she would have not knowledge of.	It is permissible for the Treasurer-Tax Collector to certify the report.
84.	Rosie Pando, Assistant County Admin. Officer	County of Monterey	A	2- For the sake of providing comment, it is assumed that a program could be doomed	Working Group will take comments into consideration.

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				<p>ineffective if it fails to meet at least ten of components of a comprehensive collections program. It is further assumed that in such a case, a program would be unable to collect reimbursement pursuant to Penal Code section 1463.007 for operating costs.</p> <p>3- Monitoring should be based on consistent policies and guidelines that provide opportunity for response and/or corrective measures</p> <p>4- Implement monitoring activities through a group comprised of representatives from each of the involved parties, such as the working group described in Recommendation 3. This maintains a broad statewide perspective as well as the collaborative intent of the enhanced collections proposed programs.</p>	
				Education & Training Subcommittee Report – Tab E	
85.	M. Stephen Jones, Auditor Controller	County of Merced	A		No response required

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86.	Rosie Pando, Assistant County Administrative Officer	Monterey County	A	Recommendations do not include discussion on responsibility for cost associated with development and implementation of training programs.	Cost associated with development and implementation of training programs is responsibility of AOC.
87.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	A		No response required
88.	Connie Ahmed, Director, Department of Revenue	County of Sacramento	AM	Approved the development of training workshops or modules for judicial officers, court staff and county staff to ensure successful collections programs, which are developed or agreed to by the court and county. Training workshops could impose requirements that are not appropriate for some court/county collection models. Training and workshops are to ensure adherence to the reporting requirements under SB 950	Agree. Training workshops will not impose requirements for courts/counties. Rather, training is designed to allow courts to learn from each other to enhance existing collection programs, or to develop new enhanced collection programs that adhere to SB 940 requirements.
89.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A		No response required
90.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	A	Currently, judicial officers and staff at our courts need more information about the collections program in the court. It is a great idea to provide a means of learning the context in which this program operates, including the nature of the cases that are referred to the	Agree.

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				collections program, the means used to collect, and benefits of the collections program to the court and staff.	
91.	Dorothy J. Cox, Senior Management Analyst	Placer County	AM	Regarding designing the training program, and specifically, the beliefs necessary for an effective collections program: such beliefs may be different depending on whether the courts or county is running the program; with the success of the program perhaps defined in broader terms in a county operated program where system issues must be considered.	Agree. Trainings will include the staff of counties identified by courts as working for comprehensive collection programs. In addition, design of the programs will include input from court and county entities.
92.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	The County should be given discretion in sending county staff to workshops, based on the County's adoption of the State-recommended collection practices and standards.	Agree. Trainings will include the staff of counties identified by courts as working for comprehensive collection programs. In addition, design of the programs will include input from court and county entities.
				Operations Subcommittee Report- Tab F	
93.	Ronna Uliana	Superior Court of Stanislaus County		We feel that the lack of verification of financial status in the fee waiver process is critical. What is the rollout schedule to the Courts? Is there a prerequisite status before	Recommend that the fee waiver working group explore the issue of verification. Rollout schedule has yet to be determined pending Judicial Council

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				joining this effort? Which entity is responsible for reporting when collections activity is done by the County?	<p>action on the recommendation to establish a working group on fee waivers.</p> <p>Assumption is that the reporting is done by the entity collecting the fee or fine.</p>
94.	Mary E. Fuller, Judge	Superior Court of San Bernardino County	A	<p>1. Suggest legislation that allows the collections program to grant extensions or modify payment plans in conjunction with the debtor so that court orders can automatically be modified without a court appearance.</p> <p>2. If a system was established to track victim restitution that automatically applies joint and several credits to co-offenders' accounts the same system should have a screen that shows which defendant actually made the payment.</p>	<p>2- Subcommittee agrees that a collections program should allow for a process for extending or modifying payment plans. Should be discussed as part of the collaborative collections agreement between Court and County. Some current programs have judicial authority to modify or extend within certain parameters; others require an appearance by defendant in court.</p> <p>3- Agree</p>
95.	Jim Saco, Assistant Budget Director	San Mateo County	AM	1. Agree with recommendation # 5. Whichever entity is responsible for the cost of collections activities (either through an MOU or CRC Rule 810) should retain fees imposed	1. No subcommittee comment

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				<p>to defray costs.</p> <p>2. Recommendation # 1 should be amended to read: “where logistically and financially feasible, any court or county in-house collections program should physically be located at or close to the courthouse”</p> <p>3. Needs more research. Concerned with legality, privacy and potential fraud issues around allowing garnishments without formal court order.</p>	<p>2. Agree</p> <p>3. It is not intended that the recommendation would permit garnishments in the absence of statutory authority or a court order.</p>
96.	Jim Saco, Assistant Budget Director	San Mateo County	A	As long as it does not preclude counties from using Probation Officers to collect fines for clients on supervised Probation. Referral would be made to Revenue Services once probation ends or case is banked	Each court and county to develop a collaborative plan for an enhanced collections program. Designation of responsibilities should be discussed as part of the collaborative MOU agreement between Court and County
97.	Jim Saco, Assistant Budget Director	San Mateo County	A	Strongly agree with Recommendation # 3- However, implementing “change circumstances” procedures may prove difficult. Payor's are more likely to alert collections staff when change is for worse; less likely if change is for better (new job, better paying job, inheritance, etc.)	Fee Waiver working group to consider best practices and develop procedures for compliance with “changed circumstances” requirement.
98.	Rosie Pando, Assistant	County of Monterey	A	Local flexibility for development and	No response required

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	County Admin. Officer			implementation of operational components of a comprehensive collections program, as recommended in the Guidelines and Standards should provide guidance to maximize collections, while recognizing variations in technology, staffing and budget resources, and allowing for local collaborative partnerships.	
99.	Christine Gentry, Court Operations Manager	Superior Court of Sonoma County	A		No response required
100.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	The recommendation should state the source document specifying the operational components, Guidelines and Standards to be adopted or approved through court/county collaboration. Timelines and costs for implementing adopted guidelines/standards/best practices also need to be addressed. The report indicates the Court is creating a criminal case management system for the California courts, which includes a comprehensive collection module. No entity should be required to use that module. As long as the collection system in use can perform the functions required for court collections that system should be acceptable. The subcommittee report recommends against an amnesty program and	Collaborative Court-County Working Group on Enhanced Collections Report will be submitted to the Judicial Council for approval. Courts and Counties to develop comprehensive collection program that meets the goals and recommended best practices adopted by the Judicial Council. Part of the local MOU to enhance or deploy a collections program will vary according to program and locality. CCMS is being developed as a statewide court case management system with a collections component. Access to collection data or integration with local county

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				Sacramento also has a strong opposition to an amnesty program for the reasons listed on page 3 of the Operations subcommittee report	collections systems will need to be determined. Amnesty recommendation is a recommendation from the Guidelines and Standards subcommittee rather than Operations. See Guidelines and Standards report.
101.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A	<p><u>Funding:</u> The current funding scheme for an enhanced collections program was designed primarily to support the collection of traffic fines. We agree with the scheme generally, but if it is used to fund the collection of delinquent civil fees and criminal fines there may be a need for modifications to automated systems.</p> <p><u>Civil Assessments:</u> When criminal fines are included in a civil assessment program, we need to be mindful of the criminal nature of the underlying offense. Collectors should have the authority to make limited changes to payment terms. Currently, all changes require returning to court for modifications to the court order.</p>	<p>Agree</p> <p>Agree</p>

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102.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	A		No response required
103.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	A		No response required
104.	Patrick Shannon	Mayer, Brown, Rowe and Maw		Recommend legislation to allow wage and bank account garnishment by formal written notification rather than the writ process. However, we question whether moving straight to garnishment on individuals who have un-adjudicated cases for misdemeanors such as failure to appear would expose the state to lawsuits and place the comprehensive collection program risk. In any event, if the formal notification process were utilized, it should be equally available to private agencies as well as public agencies.	It is not intended that the recommendation would permit garnishments in the absence of statutory authority or a court order.
105.	Pamela Kindig, Auditor Controller	County of Napa		The comprehensive collection program was established to increase county collections of delinquent fees and fines on behalf of the State. Upon passage of AB 233/1997, the counties were given a larger percentage of court revenues in exchange for a quarterly revenue MOE payments made to the State for support of trial courts. This gave the counties and additional incentive to collect on delinquent fees and fines. Although the	This is an issue that should be addressed in developing the court and county collaborative plan. It was not the subcommittees intent to impact existing MOE's

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				concept of collection on all delinquent fees, fines, forfeiture, penalties, civil assessments, etc., in one program is a good idea, I am concerned that it will have a negative impact on the amount of money distributed to offset the counties' revenue MOE requirement.	
106.	M. Stephen Jones, Auditor Controller	County of Merced	AM	The recommendations for housing of collections program need a funding source.	This is an issue that should be addressed in developing court and county collaborative collection program.
107.	Brian Bonner, Principal Legislative Coordinator	County of San Diego	AM	There is a discussion in the document about the necessary facilities required or recommended for a comprehensive collection program. There needs to be a caveat that any implementation of this does not increase facility obligations on behalf of the County. For example, if a court requires additional space to implement a collections program, it needs to be at the court's expense and not fall into "necessary and suitable facilities" that Government Code 77322 requires the County to provide.	This is an issue that should be addressed in developing court and county collaborative collection program. If facilities are impacted, further discussion should be initiated with the AOC's Office of Court Construction and Maintenance as appropriate.
108.	Eva Snider, Assistant Division Chief	Los Angeles County	A	Under AB 233, the County maintains funding responsibility for the function of court collection enhancement. In compliance with such requirement, the County is funding and maintaining a countywide comprehensive court	No response required

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				collection program pursuant to PC 1463.007. The model of our program is the External or Private-Vendor Model, which is supported by a single vendor with procedures designed to effectively handle court collection activities of the County.	
109.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	<p>Not applicable to the County; however, the County will oppose fee waiver policies that may reduce the County's share of court collection revenues.</p> <p>Civil fee waiver is a matter of judicial practice and is governed by statutes and rules of court. Collection from the countywide comprehensive court collection program is based on actual fees imposed by our local court, Superior Court of Los Angeles County (LASC).</p>	It is not the intent of the fee waiver subcommittee's recommendations to negatively impact any revenues retained locally.
110.	John A. Korach, Chief, Division of Accounting and Reporting	California State Controller's Office	AM	Under Victim Restitution on page 25, it should be made clear that victim restitution cannot be reduced by the comprehensive collection program costs. The Attorney General in "Opinion 94-319 stated that the probation department could not reduce victim restitution by collection costs. While this was not directly related to the CCP, the Attorney General's Office	The subcommittee's recommendation does not eliminate or allow for a reduction of victim restitution.

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				stated the “Section 28 of the Constitution should be interpreted broadly and liberally to the end that the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shoal have the right to restitution	
111.	Patrick Shannon	Mayer, Brown, Rowe & Maw		The operations subcommittee recommends expanding the in-house collection efforts of the court and counties in order to “capture the low hanging fruit” prior to referring hard –to collect cases to either the private sector or the Franchise Tax Board. The report calls for a cost-benefit analysis to be conducted to guide the decision on whether to refer out cases. We would emphasize that the cost benefit analysis should take into account the full costs associated with managing a comprehensive collection program, including but not limited to costs such as facilities expense, collection system licenses and maintenance, telephone system and expenses, telephone usage, salaries and benefits, training and turnover, correspondence and postage, and incentive pay. The goal of ensuring an efficient and effective comprehensive	<p>The Operations subcommittee report does not recommend one model over another. Each court and county is required to develop a collaborative collection plan that should take into account each model or hybrid and the cost-benefit of each.</p> <p>The goal is to help courts and counties comply with SB 940 and to establish an effective comprehensive collection program. A cost-benefit analysis should be considered as courts and counties enhance or develop their collaborative collections program.</p>

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				programs can only be reached if a full accounting of the costs and benefits is undertaken before deciding whether to utilize in-house collections, the FTB, or private agencies	
				Request for Proposal Subcommittee Report –Tab G	
112.	Connie Ahmed, Director, Department of Revenue	Sacramento County	AM	RFP Subcommittee report indicates RFP was for outsourcing “hard-to-collect cases that are about to be written off” yet the actual RFP was for full range of collection services. Both court and county should reach mutual agreement regarding use of agency, type of accounts, timing, and other related issues, before use of agency is implemented in that county	The court/counties are encouraged to work collaboratively on all aspects of collections including the utilization of the vendor selected via the RFP subcommittee. Regarding the second and third sentences: As the county is responsible by statute for enhanced collections, a court is required to receive the county’s approval to outsource collection activities; i.e., enter into a Participation Agreement under a Master Agreement for Part I or Part II services as stated in the RFP.
113.	Patrick Shannon	Mayer, Brown, Rowe & Maw		The request for proposal committee has developed a statewide RFP for outsourcing the collection of debt. We are concerned that this may lead to a uniform rate structure, which we believe would be detrimental for the following reasons:	These comments are not applicable to the report and will be addressed in detail through the RFP process as we are uncertain as to the outcome of the RFP without yet having reviewed the proposals. However, the court and county representatives

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				<ul style="list-style-type: none"> a) Uniform rates will subject the courts to a generic level of service and not afford the vendor the ability to react to the specific needs of the bench, constituent or court; b) Uniform rates will eliminate the possibility for smaller counties to receive service, as a uniform rate may prevent a vendor from being able to cover its costs, let alone make a profit; c) Uniform rates will reduce the amount of effort applied towards more difficult cases for those courts that have marginal volumes; d) If uniform rates were used, the larger counties would subsidize the efforts of smaller counties, which would prevent them from negotiating the best commission rates possible. Understanding that the larger 10 counties represent approximately 75% of the State's total filings, their centralized volume would enable them better purchasing power than if they were co-mingled with smaller counties requiring 	<p>on the RFP subcommittee disagree with the comments that uniform rates will be detrimental to their organizations.</p> <ul style="list-style-type: none"> a. Courts and counties will be able, through their Participation Agreement, to specify the level of service required by the court or county. b. The RFP requires a vendor entering into a Master Agreement to provide service to all courts and counties and we expect the fees to be submitted with proposals to reflect this requirement. c. If a vendor decides to reduce its effort on certain cases, courts and counties may either decide to no longer use that vendor and select a new vendor/Master Agreement or may decide to take back an account and have the Franchise Tax Board work the account. d. Rates are being determined through a competitive solicitation process and not

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				<p>comparable levels of service</p> <p>e) Uniform rates will prevent the courts from customized programs designed to maximize revenue due to variations from jurisdiction to jurisdiction on factors such as debt profiles, demographic characteristics, account volume, age of delinquency, bench officer disposition, and location restrictions</p> <p>f) Uniform rates will dictate a standard level of service that will decrease proportionately with the courts fillings. A vendor's costs of managing the program has to be factored against a smaller volume of referrals. Fixed expenses will remain constant; to the variable costs will be avoided. Any reduction in variable costs will result in a decreased level of service causing a significant reduction in the amount of revenue that would have otherwise been collects</p> <p>g) Uniform rates would have to be dictated bases on factors such as</p>	<p>through negotiations. The Master Agreements are meant to benefit the courts as a whole and, with the perspective of budgets throughout the judicial branch, we don't feel that one court would be subsidizing another.</p> <p>e. The RFP will allow courts and counties who have not outsourced collection activities to now have that option. The RFP will also allow courts that are now paying exorbitant fees through negotiated (versus competitively bid) rates to be able to lower the fees paid for their outsourced collection activities.</p> <p>f. We disagree. If a standard level of service decreases, a court or county always has the option of contracting with a new vendor. Competition will maintain the level of service and provide for a competitive fee. Under the RFP's Master Agreement scenario, the</p>

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				<p>age of delinquency (i.e. recently delinquent, aged delinquent such as 1 year, 2 year, 3 year, etc.), volume, demographics, previous work efforts, and bench officer support, to name a few considerations. Understanding that there are at least 16 different debt categories and a comparable number of contribution factors that impact the ultimate recovery of these debts, the state will likely find itself setting more than 250 uniform rates;</p> <p>h) Uniform rates would inhibit competition. A potential vendor that desires to enter the California court market on a loss leader basis with reduced commission rate would be prevented from offering such a program, and subsequently prevent the court from benefiting from the program offered.</p>	<p>accounts are cumulative across courts and counties and the reference to a small volume of referrals would only occur if a vendor's agreement is not competitive enough to attract a more sizeable number of court and county accounts.</p> <p>g. According to the RFP's requirements, rates on based on age of account and volume; the other stated factors will not be applicable. The multiple number of rates are reflective in the vendor's ability to collect on an account, the amount of time spent, overall cost of the effort, etc.; therefore, multiple costs will minimize the chance that a court or county is paying more than it has to pay a vendor to be able to collect on an account. In addition, the vendor, not the State, will dictate rates and it will be up to the vendor to decide the number of rates it needs to provide in order to be</p>

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					<p>competitive with other vendors.</p> <p>h. Because the vendors will decide the rates under a competitive solicitation, we disagree that the rates will inhibit competition. A potential vendor that desires to enter the California market on a loss leader basis will only do so up to a certain dollar amount. With the volume of accounts that we think are available to vendor providing competitive rates, we don't think that any vendor would be willing to provide such a significant amount of loss leader funding without expecting to recoup it through higher rates in the future.</p>
				Standard Fine/Fee Schedule Subcommittee Report –Tab H	
114.	Tracy Kenny Legislative Advocate	Administrative Office of the Courts, Office of Governmental Affairs	AM	Reference to the requirements of Penal Code section 1203.097 should be included in the spreadsheet, and the software programs under development. Add a column to the Penal Code spreadsheet in the additional Fees, Penalties and Surcharges section that	Agree, in part. The \$400 fee authorized by Penal Code section 1203.097 has been added to the Offense Specific Fees and Penalties column for several domestic violence offenses in the Penal Code chart with a footnote explaining the

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				refers to 1203.097. Alternatively, the footnote could be expanded to highlight the need to impose the \$400 payment.	application of the fee. The fee has not been added as a default amount for other offenses since its application to other offenses is dependent on whether the victim is a person defined in section 6211 of the Family Code.
115.	Judge Alice Vilardi	Superior Court of California, County of Alameda	AM	The Court Security Fee column is missing from the Penal Code chart.	Agree. The Penal Code chart has been amended to show the Court Security Fee column and security fee amount as intended.
116.	Jim Saco, Assistant Budget Director	San Mateo County	A	<ol style="list-style-type: none"> 1. Agree that statewide uniform fees and standardized best practices makes a lot of sense. 2. Include training component to ensure that fees are applied consistently, 	No response required.
117.	Rosie Pando, Assistant County Administrative Officer	Monterey County	AM	<ol style="list-style-type: none"> 1- This provision assists in expediting duties and actions of the courts and assists the courts in determining accurate and legal sentencing costs associated with development and implementation of software applications should be the responsibility of the courts 2- In addition to standardized fines and fees, guidelines should be developed for use by judicial staff ensuring all ordered fines 	<ol style="list-style-type: none"> 1. Agree. The recommended software applications for proper assessment of fines, penalties, and fees are intend for use primarily by bench officers and court staff. 2. Agree, in part. The applications are designed to identify the extent to which items are discretionary or

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				staff ensuring all ordered fines are sufficient to allow the full distribution of all fees assessed.	required by statute in order to promote proper assessment and facilitate distribution.
118.	Christine Gentry, Operations Manager	Superior Court of Sonoma County	A		No response required
119.	Connie Ahmed, Director, Department of Revenue	County of Sacramento	AM	Clarify the recommendation to specify the software application to be developed does not include mandatory use of any specific collection system (s) that may be integrated with this or the Automated Case Management System in order to obtain discretionary criminal fine or fee data.	Agree, in part. The fine, penalty, and fee software application (Phase 1) and Phase 2 database to be developed are not “collection software” and their use is not mandatory. At some point in the future, the Phase 2 database may be incorporated into the CCMS.
120.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County	A	Information provided to judges should include payments made. This information should be part of the CCMS.	Agree, in part. Tracking payments made by defendants is beyond the scope of the short-term preliminary application used for calculation of initial fines, fees, and penalties to be imposed. The second phase database could eventually be incorporated into the CCMS which should be set up to track payments made by defendants.
121.	Michael Gatiglio, Collections Manager	Superior Court of Los Angeles County	A	Determining who will use these tools (judges or support staff) will have an impact on implementing this recommendation. If court staff is assigned to use this program, labor may consider this additional work, which	Disagree. The applications recommended by the subcommittee are designed to facilitate job functions that bench officers and court staff are already required to perform when determining initial fines, penalties, and fees. The

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				would require a meet and confer prior to implementation.	applications should reduce the time and effort by either staff or bench officers to properly assess fines, penalties, and fees in individual cases. A court's existing applications and procedures that are consistent with the applications being recommended and developed could continue to be used in addition to, or instead of, the recommended applications, depending on the comprehensiveness of the existing application or procedure. The subcommittee does not believe that the selection or use of a software application is a "meet and confer" issue, but that matter is beyond the scope of the subcommittee's activities.
122.	Stephen V. Love, Executive Officer	Superior Court of San Diego County	AM	<p>The Standard Fine Schedule includes a draft template titled "Bench Officers' Criminal Fine, Penalty, and Fee Chart." It should be noted that the area shaded "Subject to Local Determination" is not entirely accurate for specific courts and some statutorily authorized surcharges have been omitted.</p> <p>In San Diego County for example, our minimum DUI (VC 23152) Mandatory Fine/Fee judicial officer</p>	Agree, in part. The fine, penalty, and fee chart is an interim solution that includes the most common statewide fines, penalties, and fees, but courts need to add or amend data that is unique to their county. The columns marked, "Subject to Local Determination," include statutory charges that apply to most criminal cases but can vary in amount from county to county or case to case. The

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				guideline specifies statutorily allowed charges for a Substance Abuse Assessment (\$100), as well as an administrative booking fee of \$154 (this may go to arresting law enforcement agency, depending on which agency made the arrest). For this reason, each Court will need to review their 'locally determined' charge categories. Possibly, the proposed Excel spreadsheet/template could include fields to allow courts to fill in additional locally determined charges (as authorized by statute and often by Board of Supervisors' actions).	charts include default amounts for these charges but are designed to allow courts to amend specific items in the county reference chart so that the entire database will calculate using values that apply to the specific county. The application has been amended to include more charges in the County Reference chart that can be modified by a court for their jurisdiction and automatically update the data throughout the entire application. Also, in the chart for each criminal code, there is a column for courts to add special charges that apply to specific offenses or are unique to a specific county.
123.	Alan Slater, Chief Executive Officer	Superior Court of Orange County	N	The concept sounds good and should be included in the V2 Case Management System Program Design. Judicial officers in high volume calendar departments will not take the time to access the proposed program electronically unless the right answer will always be produced. The phased approach would not induce busy judicial officers to use a stand-alone program (one that is separate from the case management system) until there would	Agree, in part. The interim spreadsheet provides a reference tool for both bench officers and court staff that includes formulas and authorities for required and discretionary charges for the most frequently cited codes and individual offenses. Additional common offenses have been added as well as new charts for construction zone and weight violations of the Vehicle Code and calculators for multiple

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				always be a positive search result. There are not sufficient resources available to maintain a separate system, in Orange County, when the fee and fine tables must already be maintained in the production environment case management system in order to keep local ordinance information current.	offenses and traffic violator school charges. The application provides both an electronic database and hard copy printout that serve as a reference tool for case processing or educational purposes. At a minimum, distribution of the interim application will hopefully improve understanding and awareness of statutory authorities for proper determination of criminal fines, penalties, and fees. The application will also provide courts with significant data to improve proper assessment of criminal fines, penalties, and fees by existing case management systems.
124.	Dorothy J. Cox, Senior Management Analyst	Placer County	AM	In this section, references to county access to this rather impressive system are missing; Placer County believes that its collections program could benefit from periodic access to this program, and it would also appear that interface capability with other County justice related systems might prove useful. In any case, the goals included in this section are exciting and laudable.	Agree. Although the fine, penalty, and fee chart was developed for courts to use in calculating initial charges in individual cases, the application could be expanded to incorporate additional data for related purposes by other users. Counties may be best served by arranging for access to the application after the local court has incorporated county-specific data.
125.	M. Stephen Jones, Auditor Controller	County of Merced		No comment as this is not a county software application. However, the	Agree, in part. The current statutory requirements for fine, penalty, and

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				problem not addressed is the sheer complexity of fee, fine, and forfeitures distribution. The distribution is so complex it adversely affects the setting up of cases for collection and consumes a great deal of time reporting those collections. The State Auditor Controllers Manual is 74 pages of hundreds of instructions on fee, fine and forfeiture distribution.	fee distribution are extremely complex. Unfortunately, the problem of distribution is beyond the scope of the subcommittee's responsibility to improve proper assessment of fines, fees, and penalties. The second phase database could eventually be incorporated into the CCMS, which should be set up to ensure proper distributions.
126.	Eva Snider, Assistant Division Chief	Los Angeles County	AM	As stated in Function 9, Rule 810 of California Rules of Court, information technology is a court function.	Agree. The proposed spreadsheet and database applications are consistent with rule 810, which specifies what budget items are court operations as defined in Government Code section 77003. The proposed applications do not create a direct obligation on counties. Even if a court's CMS applications are run on a system provided by the county the proposed applications could be installed and operated as independent applications on court computers.
				General Comments	
127.	Stanley Koehler Asst. Admin Officer	County of Madera	A	General None.	No response required.
128.	Van Maddox Sierra County Auditor	County of Sierra	AM	General Any of the recommendations that say,	No response required.

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				“Court/County should”...need to be changed to “court will.” I have never had staff to do the state reporting now my staff is cut by one third and you expect more work? Think again this is your problem state do not expect any reporting from the county. Where not even sure our nose is above water.	
129.	Tressa Kentner, Court Executive Officer, Alan Crouse, Chief Technology Officer	Superior Court of San Bernardino County		General The working groups report is a comprehensive set of recommendations which when implemented, will improve the collection of delinquent fines and fees significantly.	No response required
130.	Doug Estes, Chief, Revenue Recovery	Stanislaus County	AM	General Recommendation to revise the distribution of fine revenue to a straight percentage of the collected revenue, with percentages going to the state, county, courts, and local arresting agency. Example: W% state, X% county, W% courts, and Z% local arresting agency. These agencies would then distribute fine revenue to the various funds within each agency. This would reduce the confusion and costs that are part of the present collection/distribution process. Example, the state percentage would include current restitution fine revenue,	Requires legislative action and would have to be revenue neutral for all parties

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				Fish & Game, state surcharge, etc, etc, etc, eliminating the complicated distribution process that the court/county must now maintain.	
131.	Pamela Kindig, Auditor-Controller	County of Napa		General Counties must have the authority to audit or review the comprehensive collection program whether operated by the court or county. The counties have a direct interest in the revenues and expenditures of the comprehensive collection program due to their effect on the counties ability to pay the required revenue MOE (Government Code Section 770201.1), to the State for support of the trial courts and the excess collections calculation (Government Code Section 77205).	One goal of this legislation is to encourage counties and courts to work collaboratively together. As such, with a strengthened partnership, the county and the court should have the ability to review the collections activities to ensure that both are optimizing collections.
132.	Julie Paoli, Collections Administrator	Mendocino Court	A	<ul style="list-style-type: none"> • Legislation • Operations • Operations/Fee Waivers • Reporting • Guidelines and Standards • Education and Training • Standard Fine/Fee Schedule 	No response required
133.	Vanessa Balinton- White, Court Collection Manager	Contra Costa Superior Court	A	<ul style="list-style-type: none"> • Legislations • Operations • Operations/Fee Waiver • Guidelines and Standards 	No response required

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